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3rd December 1953.

62nd Sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,  
 Chief Justice, President,  
 Hon'ble Mr. Justice M.R. Kayani, Member.

....

Mr. Fazal Ilahi, advocate, for the Punjab  
 Government.

Mr. Bashir Ahmad, advocate, assisted by  
 Mr. Abdur Rahman Khadim, and Mr. Asadullah  
 Khan, advocates for Sadr Anjuman Ahmadiyya,  
 Rabwah.

Mr. Yaqub Ali Khan, advocate, for Mian  
 Mumtaz Muhammad Khan Daultana.

Mr. Fateh Muhammad Aziz, advocate, for  
 Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, advocate, for the Majlis-  
 i-Ahrar.

Mawlana Mumtaz Ahmad Khan Malikash, Member,  
 Majlis-i-Ahrar, in person.

Mr. Nazir Ahmad Khan, advocate, for Juma'at-i-  
 Islami.

....

WITNESS NO. 124 (called by the Court):

Amir Bakhsh, son of Miran Bakhsh, Wrestler,  
 resident of Lahore, on Stand:

Q. How much money did you get from the Department of

Islamiat?

A. Rs.1350/-.

Q. What for did you get this money?

A. I used to lecture on physical education to children in the Borstel Jail. I also used to give religious discourses to them.

Q. Are you literate?

A. No.

I can sign my name and signed all the receipts of money given to the department.

Q. If you can sign your name, why did you put your thumbimpression on the summons served upon you by this Court?

A. It was dark and I did not have my spectacles with me. I, therefore used my thumb impression.

I converted about a lac of Sahnsis, Vazigars and Sapiadas to Islam.

Q. Please say how you converted them to Islam?

A. I prepared these men to embrace Islam but the

actual conversion ceremony was performed by the maulvi.

Q. In your presence?

A. Yes.

Q. What did the maulvi do when he converted a person?

A. He asked the man to recite the Kalima, namely,

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَسُولُ اللَّهِ

Q. Is this sufficient to bring a man into the fold of Islam?

A. Yes.

Q. Can you name any of the maulvis whose services you utilized in converting people to Islam?

A. Maulvi Ghulam Murshad, Maulvi Ahmad Ali of Sheranwala and two maulvis of Chavinda.

Q. Are these maulvis Ahmadi?

A. No.

Q. Are you an Ahmadi?

A. I am an Ahmadi and was an Ahmadi at the time when I utilized the services of the maulvis.

Q. Why did you not utilize the services of an Ahmadi maulvi?

A. I went to Maulvi Muhammad Hussain Qureshi, who is an Ahmadi, but he said that if he went to perform the ceremony, not only he but I myself and the person who had to be converted would be brick-batted.

Q. Is wrestling your ancestral profession?



A. Yes. My maternal uncle was a great wrestler.

Q. Do you also know anything about massage?

A. No.

Q. Do you know of a good Pehlwan who knows nothing about massage?

A. They know how to massage but they get others to massage them.

Q. Did you know Maulvi Muharram Ali Chishti ?

A. Yes. I used to visit him occasionally.

Q. and Maulvi Ibrahim Ali Chishti?

A. I know him too. I have seen him very little after his father's death.

Q. What is vittr ?

A. Vittr is the prayer which is said before and after each of the five prayers.

Q. Have you ever read two vitrs or four or six?

A. Yes. several times. You can say as many vitrs as you like.

Q. What is the difference between farz and vittr?

A. Farz is Farz and vittr is vittr.

Q. and between Sunnat and vittr?

A. Vittr is ibadat. (The witness is unable to explain the difference.)

Q. Please make the niyyat for three vitrs with Isha prayers?

A. You can make the niyyat for as many vitrs as you like, whether two or four.

(After explaining to the witness the difference between even and odd, the following question was put to him).

Q. Do you know that the number of vitrs is never odd?

A. Vitrs are never even in number. I have often said twenty vitrs of a night.

Q. What is the maximum number of vitrs you have ever said during a day, namely, after sunrise and before sunset?

A. Four.

Q. Do you know that vitr is never said in day-time?

A. No. Ibadat has no time.

Q. Who employed you in the department of Islamiyat?

A. I wrote an application for the job and took it to Maulvi Ibrahim Ali Ghishti. He directed me to his officer and I was employed.

Q. What did you use to teach the children?

A. I taught them many subjects. I also impressed upon them the advantages of marrying widows.

R.O.&A.C.  
3rd December, 1953.

Sd/- M. Munir  
PRESIDENT.

Sd/- M.R. Kayani  
MEMBER.

Witness No. 125 (Called by Court)

Statement of Mir Nur Ahmad, formerly Director of Public Relations, Punjab, on S.A:-

Q. How long were you Director of Public Relations?

A. Since August 1947.

Q. When did you relinquish this office?

A. I proceeded on leave on the 14th of April 1953 and am still on leave.

Q. Were you examined by Mr. Muhammad Husain, Superintendent of Police, C.I.D., in the course of this Inquiry?

A. Yes.

Q. Is Ex.D.F.217 the statement that you made to him?

A. I will have to read this statement before I answer this question.

(NOTE:- The witness has been given a copy of the statement recorded by Mr. Muhammad Husain and has been directed to side-line the portions which he does not consider to have been correctly recorded and to record his version of the statement against the side-lined portions.)



Q. Did you submit at the note, Ex. D.E./218, to this Court?

A. Yes.

To Mr. Muhammad Ibrahim Ali Chishti (By permission):-

Q. In the first week of March 1953, as my controlling officer, you conveyed to me the orders of the Chief Secretary, Punjab Government, that I was to proceed to Karachi urgently and travel by aeroplane if no seat was available by rail and there contact the Principal Information Officer to the Government of Pakistan and act under his instructions?

A. Yes. I conveyed to Mr. Muhammad Ibrahim Ali Chishti instructions to this effect and this was done at the instance of the Chief Secretary, Punjab Government.

To Maulana Maikash by permission of the Court:-

Q. Did you also ask any Ahmadi to write any article or pamphlet on payment?

A. I do not know the religious beliefs of all those who did this work for the Department of Islamiyat. I have, however, been told that one Sahmatullah Shakir of Sialkot, who wrote a pamphlet, was an Ahmadi. ✓

Q. How many copies of the pamphlet "Sarfaroshan-i-Islam"



written by Mr. Shakir did you buy and what did you pay for them?

A. The number of copies was probably 3,000 but I do not remember the amount paid for them. ✓

Q. Why did you select me to write for the Department of Islamiyat the pamphlet "Islam aur Ma'ashi Islahat"?

A. Because I thought that you were a competent man to deal with the subject in the manner in which I wanted.

Q. Is it correct that some literature had been written by Maulana Maudoodi and Mirza Bashir-ud-Din Mahmood Ahmad which went against the agrarian policy which the Punjab Government was pursuing? ✓

A. Yes.

Q. Was that the reason for you to request me to write my own views about property in Islam in refutation of the views propounded by Maulana Maudoodi and Mirza Bashir-ud-Din Mahmood Ahmad? ✓

A. Yes.

Q. Were you in charge of the Press Branch?

A. Yes.

Q. Is it one of the duties of that Branch to take notice

of all objectionable publications?

A. Yes.

Q. Did your Branch take notice of the article in the

"alfazl" dated 15th July 1952, Ex. D.A. 219 ?

A. Yes. I remember that this article was sent to the

Legal Remembrancer for his opinion. He held that it was not actionable.

Q. Did you take notice of the article, Ex.D.A. 220,

published in the "alfazl" of 3rd January 1952?

A. I must have read this article but I did not consider

that any further action was necessary.

Q. and what about the article, Ex.D.A. 221, published

in the "alfazl" of 15th February 1953?

A. My reply in regard to this is the same as that

in regard to Ex.D.A. 220.

Sd/- M. Munir  
PRESIDENT.

3rd December 1953.

Sd/- M.B. Kayani  
MEMBER.

ORDER.

adjourned till tomorrow when the examination of

Mir Nur Ahmad will be resumed.

Sd/- M. Munir  
PRESIDENT.

3rd December 1953.

Sd/- M.B. Kayani  
MEMBER.

To Court:

I have read the record of the statement made by me to Mr. Muhammad Hussain and have made the necessary corrections in the margin.

To Mr. Fazal Ilahi, Advocate, on behalf of the Punjab Government:

Q. Did it come to your notice in the month of July

1952 that Maulvi Ibrahim Ali Chishti was contributing articles to the press in support of the anti-Ismadivva movement?

A. An allegation to this effect was made to me.

Q. Did you verify the allegation?

A. I questioned Maulvi Ibrahim Ali Chishti. He denied it

and said that the only sense in which he might be said to have contributed some material on the subject to newspapers was that in some private conversation he had drawn the attention of some journalist friends to a pamphlet by Dr. Iqbal on the subject. I advised him to be careful not to do even that because on the basis of such small incidents people were carrying exaggerated tales.

Q. Were you asked to give any explanation to Mr. G. Ahmad, Secretary, Ministry for the Interior?

A. Yes, I gave an explanation in reply to an inquiry made by Mr. G. Ahmad through the Chief Secretary to Government Punjab.



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Q. What was the inquiry?

A. The inquiry was that it had been alleged to Mr. G. Ahmad that the Department of Islamiat or someone connected with it had been supplying anti-ahmadiyya articles to newspapers over a long period.

Q. Did you in that statement say the following:-

"It also came to my notice at about this time (July 1952) that Mr. Ibrahim Ali Chishti of the Department of Islamiat had on his own supplied some anti-ahmadi material to some of his journalist friends. I stopped him from doing so"?

A. Yes.

Q. Is that correct as it stands?

A. Yes.

Q. Who were these journalist friends?

A. I believe Mian Muhammad Shafi, M.L.A., was one of them. I cannot say about the others.

Q. What was the material supplied?

A. Doctor Iqbal's pamphlet on ahmadism, even that, Mr. Ibrahim Ali Chishti said, was not actually handed over by him to them. He only asked them to get copies, if they wanted arguments in support of the demands that were being put



forward in connection with the anti-ahmadi agitation.

Q. Could this pamphlet be obtained in the market?

A. I cannot say, but I know that at one time a search was being made by some journalists for copies of this pamphlet. Someone even advertised in a newspaper asking for a copy of the pamphlet to be sold to him or loaned to him.

Q. Where did Mr. Chishti get this pamphlet from?

A. I cannot say. He might have read it at some earlier stage, or there might be a copy in the library of the Department of Islamiat.

Q. Did you in that explanation also say the following:-

"The basis of the allegation is the unfortunate incident already mentioned, which happened in July 1952, that Mr. Ibrahim Ali Chishti supplied on his own some anti-ahmadi material to some newspaper men. As I have already submitted, he was quickly stopped from indulging in this type of activity while in Government service."

A. Yes.

Q. Is that also correct?

A. Yes.

Q. Was the material that you referred to in this statement, published by the newspapers?

A. Yes. Long extracts from Dr. Iqbal's pamphlet were published by "Afaq", "Zamindar", "Khasan" and may be others.

Q. Apart from this pamphlet did these or any other newspapers publish any other articles?

A. Yes.

Q. Why did you not in that explanation say what you have stated today that there was only an allegation against Mr. Chishti which he denied and that what was supplied by him was merely a copy of Dr. Iqbal's pamphlet on Ahmadism?

A. In my explanation I merely put the matter briefly.

Q. Is it a fact that in the month of July 1952 when the anti-ahmadiyya movement was in full swing and articles against Ahmadism were being published in the press, the policy of Government was not to discourage these newspapers from engaging in that activity?

A. The policy of the Government in connection with the controversy for a long time had been not to interfere except when the newspapers offended against law. In July 1952 a new situation arose in as much as the controversy which used to be casual before became intensive. The Government had framed no new

policy of dealing with the situation until some time towards the end of July. I followed the old policy of

not interfering with the right of newspapers to support or oppose a particular view.

To Court:-

Q. You say that you continued to follow the old policy of the Government. Was a new policy adopted by the Government?

A. Yes.

Q. When?

A. In the third or fourth week of July.

Q. What was that policy?

A. The policy was that I should advise the newspapers to give up writing on the subject.

I did not follow the old policy after the new policy was evolved.

Q. Did you communicate this new policy of the Government to the newspapers in writing?

A. No. The new policy was that I should use what influence I could to stop the newspapers from writing on the subject.



Q. Who gave you these new instructions?

A. The Chief Minister.

Q. In writing?

A. No, in verbal discussion.

Q. Any note about this in your office record?

A. No.

Q. Did the policy of your Department change by verbal instructions?

A. It was hardly a policy of the Department. The new instructions were intended to be carried out by me personally.

To counsel continued:-

Q. Should I take it then that you received no instructions from the Chief Minister in the first week of July to change the policy?

A. I believe the Chief Minister was not in Lahore in the first week of July.

Q. Did not the Chief Secretary, the Home Secretary, the Inspector General of Police, and the D.I.G., C.I.D., ask you repeatedly in the first week of the July to stop



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these newspapers from indulging in anti-ahmadiyya movement and inflaming the public?

A. The attitude of all officers in regard to the agitation at the time was that the administration should do nothing which might show that they were either in favour of or opposed to the demands, but that it should safeguard against outbreaks of violence and suppress inflammatory speeches or writings. This meant that I should not interfere. These gentlemen told me nothing in particular except that in a conference of officers it was mentioned that the pro-Government newspapers were not helpful on the question of law and order and that I should try to get more help from them.

Q. are you referring to the conference of 5th July 1952?

A. Yes.

Q. Was one of the decisions taken at that conference to the following effect:-

"Government propaganda machinery should be accelerated so that the interested parties cannot dupe the public. Propaganda through newspapers should also be intensified and the papers which are generally pro-Government should be asked to cooperate in this matter also because their attitude is anything

but favourable towards the Government in this matter."

A. Yes, but this related to the misunderstanding which some people were creating with regard to the significance of the order under section 144 Cr.P.C. The misunderstanding created was that Government had banned gatherings in mosques. The conference was called primarily to give instructions to Deputy Commissioners regarding precautions which had to be taken in the enforcement of these orders.

Q. Were the pro-Government papers contravening the policy of Government as decided upon in June?

A. No new policy regarding what newspapers should or should not write was evolved in June.

To Court:-

Q. Which were the pro-Government newspapers?

A. The "Zamindar", the "Afaq", the "Insan" and the "Maghribi Pakistan" were generally regarded as sympathetic towards the Government.

Q. When was the first issue of "Afaq" published?

A. In the middle of June 1951 as a daily. Before this it was published as a weekly.

Q. Were any sums of money given to these pro-Government newspapers up to 5th July 1952?

A. Copies of these newspapers were being purchased and payments in this connection were made in July 1952 although I cannot be sure about the date.

Q. Do you remember the amounts paid to each of the newspapers for purchasing these copies?

A. To "Afaq", rupees one lac; to "Ehsan", Rs.73,000/-, to "Zamindar", Rs.30,000/- and to "Maghribi Pakistan", Rs.22,000/-.

To Court:-

Q. Which of these four newspapers was more vigorous in pursuing the anti-ahmadiyya campaign?

A. The "Zamindar".

Q. Was this due to the fact that he got less than the "Afaq" and the "Ehsan"?

A. I do not think so. It had its own policy in the matter.



Q. Were the following payments made to these newspapers  
in the first week of July 1952 :-

(1) Rs.40,000/- to "Afaq" on 4th July 1952.

(2) Rs.40,000/- to "Ehsan" on 5th July 1952.

(3) Rs.10,000/- to "Zamindar" on 3rd July 1952.

A. Yes.

Q. Why did you make these payments when these papers  
were engaged in objectionable activities?

A. I do not think they were engaged in any objectionable  
activities.

Q. When was the first payment made to "Afaq"?

A. In July 1951.

Q. Had not this money been obtained in June 1951?

A. The payment was made soon after the money was received.

Q. The records show that the money was obtained in June  
1951. May that be correct?

A. It may be.

Q. If this paper had just developed into a 'Daily' in June  
1951, did not you consider it risky or objectionable to  
give to it a sum of Rs.42,000/- ?

A. No. It was in the hands of proprietors whom I  
considered to be safe parties.

Q. are the proprietors still a safe party?



a. I do not know their present financial position.

Q. Was Mian Zahur Ahmad, who has recently

been mentioned in the Assembly debates in connection with the alleged sugar scandal, one of the parties?

a. Yes.

Q. You had no personal connections with the "Afaq" ?

a. No.

Q. Was not your son on the staff of this newspaper?

a. Yes. He was employed as an Advertisement Manager on a salary of Rs 400/- p.m. in June 1951 just when the paper became a 'daily'.

Q. What are his qualifications?

a. He is a graduate.

Q. With special training in advertising?

a. No.

To Counsel (continued):

Q. Was your son ever employed in a newspaper before?

a. No.

To Court:-

Q. What was he doing before this?

a. He was doing export business in salt.

Q. The largest amount of money, namely, Rupees one lac, was paid to the "Afaq". Was it due to the fact that your son was employed on the staff of this newspaper?

a. No. Not at all.

To counsel (continued):

Q. Apart from this sum of Rs.1,00,000/-, was another sum of Rs.26,285/- given to the "Afaq" during the financial year 1952-53 towards advertisements published through your Department?

A. It may be. I do not have the official records with me.

Q. Was this the largest amount ever paid to any Urdu newspaper through your Department for advertisement?

A. Yes. The "Afaq" received from the Punjab Government as well as from the Central Government the largest amount of advertisement.

Q. How did the Central Government interest itself in the "Afaq"?

A. I think the paper was paid on its merits.

Q. Was the Chief Minister in any way interested in the "Afaq"?

A. I think he was, politically.

Q. Did the Chief Minister send a cheque of Rs.5,000/- through you to the "Afaq" as a donation? /

A. Yes.

Q. Was this sum of Rs.5,000/- spent by you in purchasing shares of the "Afaq" for your son?

A. I never spent this amount for him; I passed on the cheque to the management and do not know how the money was expended.

To Court:-

Q. Did your son acquire any shares in the "Afaq"?

A. Yes.

Q. Of what nominal value?

A. Rs.5,000/-.

Q. Did he pay for these shares?

A. No.

Q. How did he get them?

A. The then Governing Director offered him the post of General Manager and, I believe, asked him to accept these shares in consideration of the extended duties or responsibilities which he was going to bear.

Q. Was not the cheque for Rs.5,000/- credited in the name of your son in the "Afaq" account?

A. No.

Q. Did the Chief Minister ask you to have the directorate of the "Afaq" charged in November 1951?

A. No.



Q. Please look at this document, Ex.D.E.222, Did you not pass this document on to the Managing Director of the "Afaq" with the request that the proposals contained in this document be passed by the Board of Directors?

A. I have seen this document for the first time. It purports to be a copy of the minutes of a certain meeting of the Board of Directors. It contains no corrections in my handwriting.

Q. Did you send through your son some material for publication to the "Afaq"?

A. I might have.

Q. Was this note, Ex.D.E.223, so sent by you?

A. Yes.

Q. What is the name of your son?

A. Iqbal Ahmad.

Q. The suggestions in the document Ex.D.E.223 show that you were an adviser of the "Afaq". Is that inference correct?

A. My son as the advertisement Editor might have asked for my comments about the newspaper because I also have had some experience of journalism, and I gave my criticism.

Q. What were the articles that you sent for publication with this document?

A. I cannot recall at this stage.

Q. Did the "Afaq" actively engage itself in the anti-Ahmadiyya propaganda?

A. In July 1952 it supported the demand that the ahmadiis be declared a minority community, but it also opposed the method of popular demonstrations as a proper means of pursuing this demand.

Q. Was this the only article that it wrote on the subject?

A. This was the theme of several articles published in this paper in the month of July 1952.

Q. Did it say anything on this subject after July 1952?

A. Hardly ever.

Q. Is the chit accompanying Ex.D.E.223, addressed by Iqbal to Sarwar, in the handwriting of you son?

A. Yes.

Q. Is the note, Ex.D.E.224, in your own handwriting?

A. No.

Q. and the chit accompanying it?

A. No.

Q. Is the chit in the handwriting of your son?

A. Yes.

Q. Your sons's chit shows that the accompanying note was in your own handwriting. If you say that this was not written by you, could you say who wrote it?

A. No.

Q. Did you contribute "Isharat" to the "Afaq"?

A. I did so once or twice.

Q. Please look at the bundle of documents Ex.D.F.225 to Ex.D.F.228. Are all these in your handwriting and were they actually published in the "Afaq"?

A. Only one of these, namely, Ex.D.F.225, is in my handwriting.

Q. Look at these documents, Exs.D.F.229 and D.F.230.

Did you send these for publication to the "Afaq"?

A. Yes, they were sent by me.

Q. Are the corrections marked 'a' in one of these documents in the handwriting of Mr. Ibrahim Ali Chishti?

A. I cannot say whether they are in the handwriting of Mr. Chishti. but someone in my office must have made them.



Q. Did you send similar articles to any other newspapers for publication?

A. Yes.

Q. Please name such newspapers?

A. Almost all the English and Urdu newspapers of the Province.

Q. Is it a fact that the Chief Minister collected some share money for the "Afaq" which he passed on to the "Afaq" management through you?

A. The Chief Minister gave me only one cheque for Rs.5,000/- which I have already mentioned.

Q. Were you present when a general meeting of the shareholders of the "Afaq" was held on 7th November 1951?

A. No.

Q. Were you anywhere on the "Afaq" premises on the date mentioned?

A. No.

Q. If the activities of these newspapers were not in accordance with the policy of the Government, why were these heavy amounts paid to them in the first week of July 1952?

A. At the time the Government had no policy, whether

to oppose or to support the demands but the Government had a policy of only keeping the activities of the supporters or opponents of the demands within legal bounds.

To Court:-

Q. Who was the head of the Press Branch?

A. Myself.

Q. Was it one of the duties of that department to report to Government for action such publications as the Government did not like and were actionable at law?

A. Yes.

Q. During the period that you were in charge of the Press Branch, did you report for action any writing connected with the anti-Ahmadiyya movement?

A. Yes, I recommended action regarding several such publications.

Q. Did you ever suggest action against the "Afaq" for any such publication?

A. No.

Q. Did you suggest prosecution under section 153-A of the Penal Code in respect of any newspaper?

A. No.

Q. Any prosecution under section 295-A?

A. No.

Q. Any action under the Press Emergency Powers Act?

A. Yes I did and the action suggested was taken.

Q. Any action under the Punjab Public Safety Act?

A. Yes, and it was taken.

Q. Did these publications go to the Legal Remembrancer  
for opinion?

A. Yes, some of them did.

Q. Please give particulars, if you can, of the  
publications which were reported against by you  
for action?

A. I do not now remember the particulars. You may send for  
the records of my office.

Sd/- M. Munir  
President.

4th December 1953.

Sd/- M.R. Kayani  
Member.

O R D E R.

Adjourned till tomorrow for further proceedings.

Cross-examination of Mir Nur Ahmad will be continued on

6th December, 1953.

Sd/- M. Munir  
President.

4th December, 1953.

Sd/- M.R. Kayani  
Member



Witness No. 125 (called by Punjab Government) contd:

Mr Nur Ahmad on solemn affirmation:-

To Court:-

Q. An anonymous letter has been received by this Court requesting us to inquire from you whether any money was paid through you or within your knowledge by Mr. Daultana to any reporters or journalists of any news agency or any newspapers of Lahore for supporting his political policies. Will you reply to this question?

A. My reply to this inquiry is in the negative.

To Mr. Fazal Ilahi continued:-

Q. Did the Government issue any instructions to you for persuading the newspapers to change their policy with regard to anti-Ahmadiyya agitation?

A. The position was that the newspapers were publishing articles connected with the anti-Ahmadiyya controversy but within limits which had always been regarded as permissible in the past and they had not been interfered with. It became necessary to readjust

Mr Nur Ahmad on solemn affirmation:-

Government's attitude towards the freedom of the press

in view of the new situation which had arisen. Therefore after a temporary phase of non-interference with the freedom of expression over a certain traditional area, it was decided after a discussion with the Chief Minister that while no official orders need issue restricting the liberty of the press, I should unofficially advise newspapers to impose voluntary restriction on themselves. This was in the 3rd or 4th week of July 1952. I carried out these instructions and the result of the efforts on these lines was that with the exception of the "Zamindar", the other three newspapers practically gave up taking interest in this controversy. My impression is that the "Jafaq" in particular did not publish anything on the subject until the beginning of March 1953 when it took up the subject again to condemn the movement of lawlessness which had started.

Q. I put it to you that this discussion took place on

Mr. Daultana's return from Karachi in August and not in the 3rd or 4th week of July as you say?

A. I definitely remember that it was after his return from Nathiagali in July 1952 that this discussion took place.

Q. Should I take it then that these three newspapers said nothing about the movement till the beginning of March 1953?

a. I believe they published some news items and the "Afaq" also published a letter in refutation of some statement by the head of the Ahmadiyya community that his attitude towards other Muslims was the same as that of Maulana Maudoodi. The other newspapers published editorials or other articles in connection with the controversy very seldom.

Q. Why did the "Zamindar" continue the controversy?

a. I guess the reason was that Maulana Akhtar Ali Khan thought that he <sup>was</sup> getting a great deal of popularity by associating with the movement and also popularising his paper.

Q. Despite this activity of the "Zamindar" why did you give a sum of Rs. 7,000/- to it in October 1952? ✓

a. The case of the "Zamindar" was discussed on several occasions and each time it was decided that the normal considerations which were being shown to friendly newspapers should not be withdrawn from it.



Q. With whom did you discuss this?

a. With the Chief Minister and on one occasion also with the Joint Secretary of the Ministry of Information and Broadcasting, Pakistan Government.

Q. Was not the "Zamindar" in those days consistently following the policy of writing against the Central Government and in favour of the Provincial Government?

a. I cannot say, but inspite of whatever its policy was, the Central Government was of the view that the normal considerations shown to friendly newspapers should not be withdrawn from it.

Q. Did you tell the Joint Secretary of the Ministry for Information and Broadcasting that money was being paid to the "Zamindar"?

a. Yes. I told him that the Punjab Government were purchasing copies of certain newspapers including the "Zamindar".

Q. Was the "Zamindar" specifically mentioned?

a. Yes.

Q. Do you have anything to do with the grant of declarations for new papers?

A. I used to advise the District Magistrates regarding the grant of declarations.

A. When was the Zamindar banned?

A. On the 2nd of March 1953.

Q. Did you recommend the grant of a fresh declaration to "A'sar"?

A. No.

Q. Is it not a fact that the "A'sar" was nothing but a continuation of the "Zamindar"?

A. Yes.

Q. Were you consulted in the ordinary course when the "A'sar" was granted the declaration?

A. No.

Q. When did the "A'sar" start publication?

A. The declaration of the "A'sar" was in the name of Zahur-ul-Hasan Dar, a member of the editorial staff of the "Zamindar". It started a fitful kind of publication, but when the "Zamindar" was banned, the "A'sar" came out regularly. An inquiry was made by the Press Branch from the publisher whether the declaration of that newspaper had not lapsed owing to

non-publication of a certain number of issues during a certain period. After ascertaining the position, the Press Branch put up the case to me with the usual draft order to the District Magistrate that further publication of this newspaper should be stopped. I signed the draft order and the newspaper was banned.



Q. Why did you not point out that the "Asar" was merely a continuation of the "Zamindar" as it must have been apparent to you that on the back page it bore the name of the "Zamindar"?

A. The back page merely stated that the "Asar" was being published from the Maktaba-i-Zamindar, though the word "Zamindar" was in bold letters. It was enough to stop it on another ground.

Q. After the publication of the "Asar" was stopped, you again recommended that the "Maghribi Pakistan", which had been acquired by the proprietors of the "Zamindar", should be permitted to be published in the same month?

A. Yes.

Q. Did you know that the "Maghribi Pakistan" had been acquired by Mansur Ali Khan and was to be published from the "Maktaba-i-Zamindar"?

A. Yes. It came to my knowledge after the newspaper had been acquired, and Mansur Ali Khan and the editor of the "Maghribi Pakistan" saw me in this connection and explained to me their position requesting me at the same time that Government should allow them to continue the publication of the "Maghribi Pakistan". I made a recommendation to that effect giving my reasons in a note. The Chief Secretary to whom the note was addressed agreed with my reasons.

Q. What were these reasons?

A. I will have to refresh my memory by reference to the relevant file.

Q. Was there no broad reason which you can still remember?

A. One broad reason which I can remember was the assurance by the gentlemen who were running this newspaper that they would follow a totally different policy from that of the "Zamindar".

Q. If the "Zamindar" had given you an assurance that it would adopt a new policy, would you have recommended the lifting of the ban?

A. No. I would not have accepted or recommended the acceptance of an assurance by Maulana Akhtar Ali Khan.

Q. What is "Maktaba-i-Zamindar"?

A. "Maktaba" literally means "book depot", but in the context in which this word is now being used it implies "management".

Q. Was there a protest about the manner in which the

"Maghribi Pakistan" had changed, by the Ministry of Information and Broadcasting?

A. I do not remember any. It was, however, our own Government

who rejected my recommendation and that of the Chief Secretary.

Q. I put it to you that the "Zamindar" was following its anti-Ahmadiyya policy in concurrence with you and the Chief Minister and this is the reason why it was being helped at different stages in the manner indicated by me?

A. No..You are wrong.

Q. Were not the financial arrangements with these newspapers a mere subterfuge to bribe them?

A. The Government adopted this scheme primarily with the idea of giving financial help to a particular type of newspapers. The question about the form in which this help was to be given was considered and it was decided that help should be given in the particular form of purchasing their copies.

Q. Please look at Ex.D.E/249 and say whether it is not a fact that it was after the protest from Karachi was received against the manner in which the Punjab Government had dealt with the matter of "Maghribi Pakistan" that you issued an order banning it?

A. No. It appears from Ex.D.E./249 that our Government had already decided to ban the "Maghribi Pakistan" before the receipt of the protest from Karachi and orders were issued in implementation of the decision of our Government in due course.



Q. Please look at the file, Ex.D.E./250, and say whether it is not a fact that the "Maghribi Pakistan" was ordered to be stopped after a telephone call from Karachi protesting against the Government's attitude had been received and that you were wrong in asserting that the decision to ban the paper had been taken before the receipt of the protest from Karachi?

A. I have looked at the file and I think I was wrong.

The true position seems to be that the paper was banned after the receipt of a telephone call from Karachi.

Q. Was not the paper banned in consequence of the receipt of the telephone call?

A. Yes, it was in consequence of the telephone call that it was banned.

To Court:-

Q. What was the total amount given to the newspapers from the Adult Literacy Fund? /

A. Rs.2,03,000/-.

Q. How much money was spent by your Department in purchasing primers and other elementary books meant to make illiterates literate? /

A. Not a single pie.



Q. Did you consider it justified to expend a sum of

Rs.2,00,000/- on the purchase of newspapers which only highly educated men can read and understand and not to spend even a pie in purchasing primers and other elementary books?

A. I was to implement the scheme adopted by Government for the purchase of copies of newspapers. I approached Government for funds for that scheme and Government decided to transfer a certain amount of money from the funds of another department.

Q. Did you not feel that if this expenditure came to public notice there would be a huge scandal?

A. I expected that the expenditure would incur a certain amount of criticism.

Q. Was there any fund from which primers and elementary books could be purchased for the use of the illiterate?

A. I suppose the Education Department had some funds.

Q. Have you any idea of the expenditure incurred by that Department in this connection?

A. I only know that the total grant of the Education Department for Adult Literacy was about Rs.6,00,000/-.

Q. Why did you not leave this expenditure to the Education Department if Adult Literacy was the concern of that department?

A. The primary object of the scheme was to give financial help to a certain type of newspapers in a particular form and the object was not to educate the illiterate. The other help that this scheme might give in the campaign of Adult Literacy was a subsidiary consideration.

Q. Does it not amount to misappropriation of public revenues?

A. If a Government adopts the scheme of giving financial aid to newspapers it has to provide funds for the scheme. In this case the Government did not consider it objectionable to take money from the Adult Literacy Fund. I merely put the scheme into effect.

Q. Was it your suggestion that a part of the Education grant should be expended for this purpose?

A. Yes, as one of the alternative methods.

Q. Was this money originally included in the estimated expenditure of the Adult Literacy Fund which was under the Education Department?

A. Yes, not the money for the present scheme.

Q. Should we then take it that the question whether the sum of Rs.2,00,000/- be spent on the object and in the manner suggested by you was never before the Legislative Assembly?

A. No.

Q. Why did you intend to keep the scheme confidential?

A. The scheme was kept confidential because it was  
"political" expenditure.

Q. Did the Education Department object to this expenditure?

A. As far as I know, they placed the money at my disposal.

Q. Voluntarily?

A. I do not know.

Q. Please look at the note of the Education Department in which they had objected to this expenditure. Did this note come to your notice?

A. No.

Q. You made some allocation of funds to the newspapers on the 3rd, 4th and 5th of July. Did you do so of your own accord or after consulting the Chief Minister?

A. I made the allocation on my own and submitted the facts to the Chief Minister who approved of the same.

To Court:-

Q. Was a written note about the allocation placed before the Chief Minister?

A. Yes, I think so.

To counsel, contd:-

Q. I put it to you that after consulting the Chief Minister you made the allocation and paid the money and that subsequently, after the Finance Department had objected,



you wrote a note which you placed before the Chief Minister for information?

A. I would like to see the file before I answer this question.

(Witness handed over the file Ex.D.E. 250).

The note shown to me only records that a certain amount had been placed at my disposal from the funds of the Education Department and that according to a previous discussion which I had with the Chief Minister, the same had been given to the newspapers. My note is dated 30th July 1952. This information seems to have gone to the Chief Secretary and the Chief Minister.

Q. Why did you distribute the money on 3rd, 4th and 5th July without obtaining the consent of the Minister concerned? Was there any hurry. The payments were made after verbal discussion.

To Court:-

Q. Who was the relevant Minister to sanction this expenditure?

A. The Chief Minister.

Q. But the money came out of the funds of the Education.

Department which was the portfolio of a different minister ?

A. The transfer of the money and the placing of it at my disposal must have been sanctioned by the Hon'ble Minister for Education. The amount was spent by the Public Relations Department which was in the portfolio of the Chief Minister.

To counsel contd:-

Q. Had the period for which subscriptions had already been paid to these newspapers expired when you made the payments on 3rd, 4th and 5th July?

A. The period had either already expired or was about to expire.

Q. I put it to you that you made these payments before the expiry of the period for the subscriptions already paid and without any sanction from the minister concerned because you wanted these papers immediately to engage themselves in the anti-Ahmadiyya activity?

A. The renewal of their subscriptions for a further period had nothing to do with the anti-Ahmadiyya controversy.

Q. Did the several newspapers submit regular bills to

you?

A. No. The scheme from the very start, i.e. from February 1951 had been to give the newspapers subscriptions in advance for the periods for which purchase of the copies was ordered.

Q. Did you know when you made the payment that the convention of All Muslim Parties was to be held in Lahore on 13th July?

A. Yes.

Q. Then why did you not wait to see how these papers would behave after the convention, particularly when the period of their subscriptions was to expire after the date of the convention?

A. Government had decided to renew their subscriptions and I implemented this decision.

Q. What was the number of adult literacy centres in the Province?

A. Round about 600.

To Court:-

Q. Were the papers to be supplied to the hospitals meant for indoor patients?

A. Yes.

To counsel contd:-



Q. Can you say how many such hospitals were in the Province?

A. I cannot say.

Q. Were civil hospitals having indoor patients at the headquarters excluded from this scheme?

A. No.

Q. Were these newspapers supplied to the indoor patients of the Mayo Hospital?

A. I cannot say.

Q. And to the indoor patients in the Ganga Ram Hospital?

A. I cannot say.

Q. I put it to you that the total number of copies to which you subscribed was far in excess of the total number of the institutions for which they were intended to be supplied?

A. Yes.

To Court:-

Q. What was the largest number of papers supplied to a single institution?

A. There is some ~~noting~~ in the files about this.

Q. Was the number of copies to be supplied to each

institution specified?

A. Yes.

Q. Did the department keep a copy of the order showing the institutions to which copies were to be supplied together with the number of copies of the newspapers?

A. Yes.

To counsel contd:-

Q. Is Ex.D.B. 251 the list of the addresses to which copies were to be supplied?

A. Yes.

Q. Does it show the number of copies to be supplied to each institution?

A. The letter shows that the number of copies to be supplied was indicated in the list.

To Court:-

Q. Please look at the accompanying list and say whether the number of copies is indicated there?

A. No.

Q. Is there any precedent of meeting political expenditure by the D.P.R. out of the funds allotted to another department?

A. I do not know.

Q. What is the number of copies ordered?

A. Three hundred and fifty.

Q. And the number of institutions in the list.

A. Three hundred and thirty.

Q. Were copies of different papers also supplied to the same institution ?

A. Sometimes.

Q. Were the institutions for which the copies of the papers were purchased informed ?

A. I think they were.

Q. Please look at all these files and say whether there is anything to indicate that the institutions concerned were informed that a particular number of copies was to be supplied to them by a particular paper ?

A. There is no information about this in these two files.

Sd/- M. Munir  
President,

11th December 1953.

Sd/- M.R. Kayani  
Member.

Proceedings adjourned till Tuesday, the 15th December, 1953, when the statement of Mir Nur Ahmad will be continued.

Sd/- M. Munir  
President.

11th December 1953.

Sd/- M.R. Kayani  
Member.



Witness No. 125 (called by the Punjab Government) contd.:

Mir Nur Ahmad on solemn affirmation:-

To Mr. Fazal Ilahi continued:-

Q. Had you quite intimate relations with Maulana Akhtar

Ali Khan?

A. I had friendly relations with him.

Q. Did you send any cables in the name of Maulana Akhtar

Ali Khan which were paid out of the secret funds of

the office of the D.P.R. ?

...

A. (After seeing a cablegram, the witness stated that the allegation was correct.)

To Court:-

Q. Why was this cablegram paid out of such funds?

A. Because the cablegram was sent at the instance of Government.

Q. What do you mean by "Government"? Who asked you to pay for this cablegram?

A. I believe it was the Joint Secretary, Ministry of Information and Broadcasting, Central Government, who suggested that this cablegram be sent but the expenses were debited to secret funds at my own discretion.

Q. Where was Maulana Akhtar Ali Khan at the time of this cablegram?

A. He may have been in Lahore or Karachi.

Q. Was the cablegram signed by Maulana Akhtar Ali Khan?

A. I am not sure.

To Mr. Fazal Ilahi (continued):-

Q. Was the direction by the Joint Secretary in writing?

A. No.

Q. Was the Joint Secretary in Lahore at the time of this cablegram?

A. Probably he had a telephonic talk with me from Karachi.

Q. Why did you not suggest that the Joint Secretary himself might send the cablegram from Karachi?

A. It might have been that Maulana Akhtar Ali Khan was then in Lahore and the cablegram had to be sent from the place where he was.

Q. Did you consult any Provincial authority in the matter before you appropriated the Provincial Fund for the purpose of the Centre?

A. I might have, but I do not remember.

Q. Did you recommend an advance of Rs.10,000/- to the "Zamindar" in June or July 1952?

A. Yes, but the advance was to be against the newspaper's existing and future claims on account of advertisements which it had offered to collect, after giving Government a rebate in the rate.

Q. Did you make this proposal at the request of Maulana Akhtar Ali Khan?

A. Yes, at the request of Maulana Akhtar Ali Khan after discussing the terms with him. He wanted an advance and I said I might recommend it if he offered something in return in the form of a rebate in the rate to be

charged by him until repayment.

Q. Out of which fund was this money to come?

A. Out of the "Contingencies" of the Public Relations Department.

Q. Did the Finance Department object to this on the ground that the proposal involved a loss to Government?

A. As far as I remember some inquiries were made by the accountant General about the security which would cover the debt.

Q. Did your proposal go through?

A. I will have to see the file to make a reply to this. As far as I remember some technical objections were raised by my own department and the proposal was, therefore not pursued. The objections were not by the Finance Department.

Q. Did you also purchase any periodicals out of the Adult Literacy Fund?

A. I do not think so. When the scheme was first adopted in December 1950 or thereabout, the idea was that after the initial period of the scheme the Punjab Government



should discontinue the purchase of copies of the daily newspapers, but should purchase copies of "Weeklies". When the scheme was renewed in June or July 1951, the Government had decided that it should continue on the old lines.

Q. Was low publication of the papers one of the factors considered in allocating the money to them?

A. No.

Q. Why were the "Maghribi Pakistan" and the "Ahsan" selected?

A. Because at the time out of the existing daily newspapers these two were considered to be most sympathetic to Government.

Q. Did not the Chief Secretary and the Home Secretary direct you in the beginning of July 1952 to flood the entire press with propaganda in favour of the Government view?

A. Yes. The propaganda was to be in favour of the view that section 144 was not intended to apply to the general body of Muslims and that its application was confined to the Ahirar and Ahmadis.

Q. Was it also explained that a few press notes would not serve the purpose?

a. It might have been.

Q. Then what did you do in carrying out this direction?

a. A notice was put in newspapers repeatedly, explaining what needed to be explained. A poster was issued and distributed throughout the Province through the Deputy Commissioners and the Superintendents of Police and the contents of this poster were, I believe, also published in newspapers in the form of a press note. The notice and the poster both purported to have been issued by the Public Relations Department. All this publicity was done for the purpose of explaining to people that beyond imposing restrictions on the Ahl-e-Bid'at and the Ahmadis, the Government had imposed no restrictions on the general body of Muslims.

To Court:

Q. Did you ask any Government-subsidised paper to write leading articles on the issues involved?

a. Yes.

Q. Which papers?

a. The "Afaq", the "Ehsan" and the "Maghribi Pakistan"

wrote leading articles on the subject.

Q. At what press were these notices and posters published?

A. As far as I remember, these were to be published through the Government Press. There must be a note to this effect in the office.

To Counsel contd:-

Q. Did the Home Secretary point out to you that some newspapers, which were in receipt of Government funds, had not cooperated with you in placing the Government point of view before the public?

A. Yes. It was mentioned in the Officers' Conference that on that particular point the newspapers had not expalined the Government's position correctly to the people and some of them had probably criticised the scope of the order under Section 144.

Q. Were any offending newspapers mentioned in this respect by the Home Secretary?

A. I cannot remember the details of the discussions but a decision was recorded to the effect that the newspapers which were generally pro-Government had not helped in this particular matter and should be asked to give special help in this matter also.

Q. Did the Home Secretary also mention to you that it was



remarkable that anti-Government papers were not engaged in fanning the agitation?

a. He may have mentioned this on some other occasion, but not in the conference of July 5th, because the subject under discussion in this conference was limited to the question of reassuring the public regarding the scope of the order under section 144.

Q. Is there any record in the office of the D.P.S. of any interview that you had with the newspapers to explain to them the Government's view?

a. There may be, but I am not sure.

Q. Were you directed by the Chief Minister to contact the pro-Government Maulvis and to persuade them to join the Convention of 13th July?

a. The Chief Minister only approved of the decisions taken in the Officers Conference held in July and one of the decisions taken at that conference was that the District Magistrates and myself should contact likely participants in the Convention and should request them to denounce violence and lawlessness in the course of whatever decision the Convention might take. The Chief Minister, as far as I remember, also suggested that the D.P.S. should take prompt action as far as



two or three Maulvis were concerned which he named.

Q. Who were these Maulvis?

a. Maulana Abul Hasanat Muhammad Ahmad, Maulana Muhammad Bakhsh Musliq and Maulana Ghulam Murshid.

Q. Did the Maulvis follow your advice?

a. I understood that they tried to secure a decision on the desired lines but could not do so in the atmosphere of the Convention.

Q. Did you report this to the Chief Minister?

a. No.

Q. Do you know that these Maulvis began to take active part in the agitation after the Convention?

a. Yes, that is true.

Q. Why then did you employ them on payment in October 1952 as lecturers?

a. The selection of persons as lecturers had nothing to do with the question whether a person was or was not supporting the demands adopted by the Convention.

Q. Were these Maulvis engaged in October with the consent of the Chief Minister?

A. I do not think that the selection of lecturers was ever mentioned to the Chief Minister. Besides we were not engaging only these three Maulvis but about twenty Maulvis in all.

Q. Did it not strike you that these Maulvis who were sent out on lecturing expeditions might utilise the opportunity to preach in favour of the agitation?

A. I did not feel concerned with what they did outside the work for which they were engaged.

Q. I suggest it to you that you selected them intentionally so that they might utilise the opportunity by engaging in anti-Ahmadiyya propaganda?

A. It is all wrong.

Q. Is it a fact that after July 1952, the pro-Government papers, namely, the "Zamindar", the "Afaq", the "Ihsan" and the "Maghribi Pakistan", were carrying on propaganda that the Government and the Muslim League in the Punjab were in favour of the demands?

Q. I do not think so, With the exception of the "Zamindar", the other newspapers were taking very little interest in the movement. It is possible that they interpreted the resolution of the Muslim League as favourable to the demands of the Majlis-i-Ahwal.

I produce Ex.D.3./255, a copy of the poster, which was issued by the public Relations Department in connection with the application of Section 144 to mosques. This was distributed <sup>throughout</sup> ~~throughout~~ the Punjab through official agencies. In the issues of the "Afaq" for 1st, 2nd 6th and 7th July, press-notes or notices issued by the Public Relations Department on the same subject were published on the front page.

To Court:-

Q. Apart from what you have already said as having been done by the Public Relations Department, will you please give particulars of what else was done by that Department to make people acquainted with the Government's attitude regarding the Khatm-i-Nabuwat movement?

A. I cannot give further details, but I must have issued in suitable forms any instructions that Government might have given me in this connection.

Q. Did you yourself contribute any article in any paper?



A. No.

Q. any one else in your Department?

A. I do not think so. Only the press-notes which were issued in this connection were drafted by members of my staff.

To Mr. Fazal Ilahi (continued):-

Q. Do you remember the Tea Party held in Lahore some time after July 1952 at which were present Dr. Ishtiaq Husain Qureshi, Mr. Yaqub Khan, Editor, Civil & Military Gazette, Mr. Hamid Nizami of the "Nawa-i-Waqt", besides yourself and others?

A. I remember one such party held in July 1952, but none after that I believe it was some time in the third week of July. The persons mentioned in the question besides editors of newspapers and some officials were present.

Q. Did Dr. Ishtiaq Husain Qureshi appeal to the newspapermen present at the Tea Party not to indulge in the sectarian activity that was then going on?

A. Yes, he was expressing the view that advocacy of the demand that the Ahmadis be declared a minority was not in the best interests of Pakistan. ✓

Q. What did Mr. Hamid Nizami say to this; did he not accuse you as the arch-culprit in this respect?

A. No, not within my hearing.



Q. Did he point at you?

A. No.

Q. Did he say to Dr. Ishtiaq Husain Qureshi to question you about it?

A. No, not within my hearing.

To Court:-

Q. Did Dr. Ishtiaq Husain Qureshi question you then or later on this matter?

A. I had already met Dr. Ishtiaq Husain Qureshi two or three days before this and he had discussed the subject of this movement with me. I had no occasion to meet him after the Party.

Q. Did Dr. Ishtiaq Husain Qureshi tell you at any time that there were complaints that you could stop papers from carrying on the agitation?

A. Yes. When I met him two or three days before this party, he told me that two complaints had been brought to his notice. One was that pro-Government newspapers had been publishing articles in support of the anti-ahmadiyya demands and that I had not exerted myself to stop them. The second complaint was that Maulvi Ibrahim Ali Chishti of the Department of Islamiyat had been contributing articles on the subject to newspapers. I ~~explained~~ ✓

explained to him the position which I have explained in this Court in my answers to earlier question regarding the first complaint and I expressed ignorance and surprise at the second complaint. I said I believe it was not true but I would inquire.

Q. What did you say to Dr. Ishtiaq Husain Qureshi as to the first complaint?

A. I explained to him that what the newspapers had been writing during recent weeks on the subject was generally within those limits which had been regarded as permissible in the past and with which Government had not interfered and that I had received no instructions that I should specially exert myself to stop newspapers from writing even within those limits. Dr. Ishtiaq Husain Qureshi asked me to convey his views to the Chief Minister when I met him next and to seek guidance on this point.

Q. We then take it that till then Government did not dislike what the newspapers had been doing?

A. All I can say is that Government gave me no instructions.

These papers were not in the bad books of Government.

To Mr. Fazal Ilahi (continued):-

Q. Did you not say to Dr. Ishtiaq Husain Qureshi that you were doing so merely to "canalize" the movement?

a. No, because I was doing nothing.

Q. Did you use the word "canalize" at all in the course of your conversation with Dr. Ishtiaq Husain Qureshi?

A. I do not remember.

Q. Did the Chief Minister tell you that he had been informed by Dr. Ishtiaq Husain Qureshi of the activities of the Public Relations Department and the Department of Islamiat concerning the anti-Ahmadiyya agitation?

a. No. When I next discussed the question with the Chief Minister, I conveyed to him the views which Dr. Ishtiaq Husain Qureshi had given about the anti-Ahmadiyya movement.

Q. Did the Chief Minister ever tell you that Mr. Hamid Nizami had complained to him of the activities of your Department?

a. He may have, but not with reference to the anti-Ahmadiyya agitation, because Mr. Hamid Nizami had many complaints in connection with my Department.

To Court:-

Q. Were you confronted by Dr. Ishtiaq Husain Qureshi with certain articles and asked whether those were your own publications?



A. No.

To Counsel:-

Q. Do you know if Dr. I. H. Qureshi collected some manuscripts and articles from the offices of various newspapers?

A. No.

Q. Did you see the article, Ex. D.E/286, published in the issue of the "Zamindar", dated 21st July 1952, under the heading.

"میں تو ختم نبوت پر ایمان رکھنے والے  
 ہر مسلمان کی گلی کے کتے کا بھی منہ چومنے کو تیار ہوں۔"

A. This must have been noticed in my office in the ordinary routine. I do not remember noticed it.



Q. and what step did you take in respect of the leading article published in the "Zamindar" of 30th July 1952? Did you not tell the Chief Minister that he was being wrongly associated with the movement?

A. The fact was, I believe, brought to the Chief Minister's notice in the ordinary routine that the Muslim League Council resolution was being interpreted by both parties as favourable to themselves, the parties being the Majlis-i-Amal organs on the one hand and the Ahmadi newspapers on the other.

To Court:-

Q. What are the functions of the Department of Public Relations? Are they defined anywhere?

A. They are not defined, but, generally speaking, the function of the Department is to arrange publicity for whatever Government may require to be publicised.

Q. Is it used as a political organ of Government in power?

A. It is intended to propagate whatever Government requires it to propagate and sometimes it becomes difficult to draw a line between administration and politics.

To Counsel contd:-

Q. Was Maulana Abdul Haamid Badayuni invited to the Seerat-un-Nabi function under the orders of the Chief Minister?

A. The invitation must have been with his approval.

Q. Did you know that Maulana Badayuni was actively engaged in this movement when invitation was extended to him for the Seerat-un-Nabi function?

A. Yes, like every other prominent alim.

Q. Were you then aware that Maulana Badayuni had once been detained or imprisoned for his anti-Government activities?

A. Yes. There had been some conflict between him and the Central Government on some point not arising out of the anti-Ahmadiyya agitation. It was on some earlier occasion.

To Court:-

Q. How did you like Maulana Badayuni's speech at the Seerat-un-Nabi function? Did you hear it?

A. I liked the speech, but at the end he made a reference to the question of Khatm-i-Nabuwat which caused some embarrassment.

Q. Was not the whole speech a prelude to the conclusion which related to Ahmadism?

A. I believe he could have avoided the reference to a controversial question which he made towards the close of his speech.

Q. Did you know what he was to speak at the function?

A. He was to speak on Soerat-un-Nabi and I had definitely hinted to him on the previous evening that in a meeting under official auspices no reference should be made to any controversial issue.

Q. How did he connect his conclusion with the main body of the speech?

A. As far as I remember, while discussing other aspects of the Holy Prophet's seerat, he emphasised at the end the finality of prophethood, and in this connection made some pointed insinuations which were of a controversial nature.

Q. What incidents in the Prophet's life did he allude to in his speech?

A. I cannot say.

Q. Who invited Hafiz Kafayat Husain?

A. Hafiz Kafayat Husain was also invited by the Department of Islamiyat and the whole programme had been arranged with the approval of the Chief Minister.



Q. What remarkable thing did Hafiz Kafayat Husain say  
in his speech?

A. I cannot recall.

Q. Did he say that the world was created fifty thousand years  
ago?

A. Yes.

Q. Did he say anything about Khatm-i-Nabuwwat?

A. I believe he also made a veiled reference to the  
finality of prophethood.

Q. Was the substance of his speech also previously known  
to you?

A. Both of them were invited to give speeches on the Holy  
Prophet's seerat.

Q. Do you remember any main incident narrated by Hafiz Kafayat  
Husain in the Prophet's life?

A. I believe he tried by means of various arguments to impress  
the unique status of the Prophet.

Q. What had it to do with seerat?

A. I believe seerat will include the status of the Holy  
Prophet among mankind. That is a point which speakers  
generally emphasise about the Holy Prophet's life.

Q. Is not the life of the Prophet the foundation of  
Muslim ethics?



Q. Yes,

Q. Did either of these speakers make any reference to any ethical principles peculiar to Islam?

A. I cannot say at this distance of time.

To Counsel contd:-

Q. Was the Chief Minister present at that function?

A. I believe he was.

Q. What did he say about these two speeches after they were over?

A. I gathered the impression from him as well as from the Governor that the pattern of the officers celebration of the Holy Prophet's birthday should better be changed for the future.

Q. Did the Chief Minister remark after the speech of Maulana Abdul Haamid Bahayuni that it was directed against the Ahmadis?

A. He expressed his feeling that references of a controversial nature from the platforms of Government sponsored meetings were most embarrassing. This in fact was the reason why he and the Governor expressed their views to me that the pattern of the official celebration of this festival should be changed for the future.

Q. If the Chief Minister had expressed that opinion, then why did you not in the subsequent selection of lecturers take into consideration their activities regarding the Khatm-i-Nabuwat doctrine?

A. The Chief Minister's view was regarding an officially sponsored meeting. The lecturers were expressing no views on controversial matters during these lectures.

Q. Do you know that before Maulana Abdul Haamid Badayuni came to Lahore on the occasion of the Seerat-un-Nabi conference, he had been requested by the members of the Majlis-i-Umma to come to Lahore and that he had refused?

A. No.

Q. Are you aware that the Chief Minister himself had been giving expression to his anti-ahmadiyya views in his public addresses?

A. He may have but I am not particularly aware of it.

Q. Were any payments made to Mr. Ibrahim Ali Chishti out of the funds of the Public Relations Department?

A. He was engaged for writing articles for our department some time before he joined service and it is possible

that he may have written some articles under the penname of "mufakkir" or "mubassir".

Q. Did anyone else receive any payment from your department for having written articles under the penname of "mufakkir" or "mubassir"?

A. I am unable to say without seeing the record.

Q. Were you making any payment to certain members of the staff of the "Zamindar" for their contributing articles?

A. Ashraf Ata and Muzaffar Ihsani received some payments.

Q. Were these payments made out of the secret funds at the disposal of the department?

A. No. They were paid from a specific head out of the budget of the Department of Islamiyat.

Q. Was a question put in the Legislative Assembly in relation to the persons who were being paid by the Department of Islamiyat?

A. Yes.

Q. What was the reply?

A. The Government replied that it could not disclose the names of the contributors of those articles and the rates at which they were paid.



Q. Was the reply to this question prepared in your department and with your approval?

A. Some information must have been sent by my department but what it was, I cannot say without seeing the record.

To Court:-

Q. Did you not suggest to Government that privilege against disclosure of the information should be claimed?

A. I cannot say that without seeing the relevant record.

Q. What for were these payments made? Was your department meant to promote journalistic literature?

A. These payments were made for articles on Islamic topics of a non-controversial character.

To counsel contd:-

Q. Do you know that Muzaffar Ihsani, one of the persons who received payments from the Department of Islamiat, was consistently writing against Ahmadism from January 1952 to January 1953?

A. I do not know.

Q. Do you know if he was writing under the penname of "Gharib-i-Sahafat"?

A. He may have been but I do not know.

Q. Did he write under "Sukhanhai Guftani"?



4. There was a column under this heading in the "Zamindar" and Muzaffar Ehsani may have been contributing some articles to this column.

Q. Did the Department of Islamiat in January 1953, pay a sum of Rs.500/- to Muzaffar Ehsani for writing "Sukhanhai Guftani"?

A. No. The articles for which he was paid may have appeared under the heading "Sukhanhai Guftani".

Q. Do you know that Mr. Ibrahim Ali Chishti was sent away from Lahore to Karachi on 8th or 9th August, 1953?

A. Yes.

Q. Do you know why he was sent to Karachi?

A. No.

Q. Do you know that he was sent away from Lahore lest he should be arrested by the Martial Law authorities and reveal the entire truth which might involve the then Government? ✓

A. I do not know the reasons but there is one fact which would make me disbelieve that it was so because the instructions requiring me to direct him to proceed to

Karachi were received on 4th or 5th of March.

Q. When did you ask Mr. Ibrahim Ali Chishti to go to Karachi?

a. Immediately on receipt of these instructions.

Q. When did he actually leave?

a. He left some three days later because he could not get accommodation in the train and eventually he was authorised to fly.

Q. Any record of the instructions received by you requiring him to be sent to Karachi?

a. No, but there may be some record of his efforts to get accommodation booked.

Q. Who required you to sent Mr. Ibrahim Ali Chishti to Karachi?

a. The Chief Secretary.

Q. Did he disclose to you the object of Maulvi Ibrahim Ali Ghishti being required in Karachi?

A. Not beyond this that it was considered advisable to send him to Karachi.

To Court:-

Q. Did the Chief Secretary say that it was advisable to send him out of Lahore, preferably to Karachi?

A. Yes. I was, however, not to tell him that he was being sent out for this reason. I was to tell him that his services had been required by the Central Government.

To Counsel:-

Q. Is it a fact that you called Abdur Rahim Shibli and Ashraf Ata of the "Zamindar" and told them that Government approved of the policy that was being pursued by the "Zamindar" with regard to this controversy?

A. No.

Q. Did Maulana Daud Ghaznavi tell you specifically that the funds of the Department of Islamiat were being grossly misused?

A. He did express his dissatisfaction with the work of the Department, particularly because he thought that the members of the Advisory Board were not competent to advise.

Q. Did you get any written undertaking from the Ahl-e-Bayt leaders in Badami Bagh?

A. No. I merely suggested to them that they should issue a statement.



Q. Was a purport of that statement given to you before it was issued?

A. The purport was only discussed in the meeting of Badami Bagh and subsequently I saw the statement.

Q. Did you take Maulvi Ibrahim Ali Chishti to help you in drafting the undertaking?

A. I took him with me but not for this particular purpose.

Q. Had Maulvi Ibrahim Ali Chishti carried on some negotiations with the Ahrar before they agreed to issue the statement?

A. Some officer of my Department, may be Ibrahim Ali Chishti, fixed up an appointment with the Ahrar and I went to Badami Bagh to discuss the matter with them.

Q. It has been suggested that there was a written undertaking signed by the Ahrar. Is that so?

A. No.

Q. Were you satisfied with the statement that the Ahrar eventually issued; was it in accordance with what was agreed upon at Badami Bagh?

A. Yes.

Q. You had authority from the Chief Minister to settle with the Ahrar?

A. I had authority to secure condemnation of violence



and lawlessness from whatever quarter I could.

Q. Did you tell the Chief Minister what had been agreed upon at the Badami Bagh meeting?

A. I might have done so informally.

Q. Did you produce before the Chief Minister the statement that the Ahrar actually issued?

A. Yes.

Q. Was he satisfied with this?

A. He expressed no dissatisfaction with it. I had not been deputed by the Chief Minister to carry on negotiations or settle with the Ahrar. The statement issued was, therefore, sent to the Chief Minister in the ordinary routine.

Q. Had the Ahrar been following a policy of violence before they issued this statement?

A. The Ahrar had issued a statement ten days earlier after a meeting with the Chief Minister in which they had given a certain undertaking. So, after the occurrence of some violence outside the meeting of the Muslim League Council, I suggested to the Ahrar leaders that, consistently with their undertaking, they should condemn this violence.

After some talk in the Badami Bagh meeting, they issued a statement condemning this violence.

To Court:-

Q. Did you secure the Chief Minister's consent to this course?

A. No.

Q. Did you discuss the matter with him?

A. No. I had been asked by the Chief Minister to secure condemnation of acts of violence from whatever parties I could. The Ahirar were not particularly mentioned.

Q. Was the earlier undertaking published?

A. Yes.

Q. Were you present when that undertaking was given?

A. I was present at the interview where it was agreed that the Ahirar leaders would issue a statement explaining their position and the statement was subsequently drafted in consultation with me and I got the draft approved by the Chief Minister before it was issued to the press.

To Mr. Fazal Ilahi (continued):

Q. When was the earlier undertaking given?

A. Probably on July 19.

Q. Was that undertaking in writing and signed by anybody?

A. At the interview it was agreed that the Ahirar leaders would issue a public statement reiterating the position which they had taken up before the Chief Minister and to which the Chief Minister had agreed.

Q. Did you have any negotiations with the Ahrar before the earlier undertaking?

A. The Chief Minister had told me two or three days earlier that he had received a message through some press-reporter that the Ahrar leaders were anxious to have an interview with him. The Chief Minister asked me to ascertain what the Ahrar leaders wanted to say. I contacted Sayyed Ata Ullah Shah Bokhari and ascertained whether the message about their desire to interview the Chief Minister was correct and what they wanted to say. I reported to the Chief Minister what the Ahrar leaders wanted to say. It was what they eventually said in their interview with the Chief Minister and which was published in their public statement.

Q. Who was the President, Majlis-i-Ahrar, in those days?

A. Master Taj-ud-Din Ansari. The position here was that some Ahrar leaders wanted to have an interview and the Chief Minister, after ascertaining what the interview was to be about, gave them an interview.

Q. Was the undertaking given the same as Ex. D.A./258, published in the "Afaq" of 21st July 1952 ?

A. Yes.

Q. I put it to you that this is not the undertaking and that the real undertaking was a qualified undertaking to support the Punjab Government ?

A. No. This is incorrect.



Q. I put it to you that your object was to fan the agitation and that in prosecution of that object your son, Mir Iqbal Ahmad, sent to the newsagents a large number of extra copies of the "Afaq" containing an article against the Ahmadis, to be distributed free in the mosques?

A. I have reasons to believe that there was a race among newspapers at about this time to capture the market with anti-ahmadiyya articles. The attempt on the part of the "Afaq" management may have been thus prompted. It had nothing to do with my policy.

Sd/- M. Munir  
President.

Sd/- M.R. Kayani  
Member.

15th December 1953.

Proceedings adjourned till tomorrow.

Sd/- M. Munir  
President.

Sd/- M.R. Kayani  
Member.

15th December 1953.

Witness No. 125 (Called by the Punjab Government) continued:-

Mir Nur Ahmad on solemn affirmation:-

To Mr. Asadullah Khan, Advocate, for Sadr Anjuman Ahmadiyya  
Rabwah :-

Q. You have stated that a part of Maulana Badayuni's speech on the occasion of the Id-i-Milad-un-Nabi was objectionable in as much as it related to the Khatm-i-Nabuwat movement. Did you issue instructions to the papers that this portion should not be published ?

A. No instructions were issued by me. The instructions could have been issued only under the Public Safety Act by the Punjab Government and I did not consider it expedient to suggest such a course.

Q. Did you read in the papers the report of Maulana Badayuni's speech on that occasion ?

A. I might have.

Q. Did you come across the following passage in that report,

Ext.D.E/259:-

"اگر کوئی بد باطن یا لعین رسول اکرم کے بعد نبوت یا رسالت کا دعویٰ کرتا ہے تو اس کا علاج بھی کیا جائے گا - آپ کے خادم اس فرض سے غافل نہیں ہیں - اور یہ بھی نہ بھولے اگر کوئی بد باطن نبوت کا مدعی ہو اور میرے اور تمہارے ہاتھ مل ہو جائیں تو ختم المرسلین کی حفاظت بھی وہ جتنی کرے گا جس نے خاتم النبیین کو بھیجا تھا -"

A. I do not remember that these words came to my notice.

Q. I refer you to a report of the speech appearing in the "Zamindar" of 4th December 1952?

A. I find this passage in the paper, but it did not come to my notice.

Q. Is this a correct report of the speech made by Maulana Badayuni ?

A. I cannot remember the exact words, but I remember that he did say something to the effect that anybody claiming prophethood after the Holy Prophet Muhammad was advancing a false claim.

Q. Did you not feel that since a part of the speech was objectionable and since the meeting had been sponsored by Government, it was your duty, in order that people should not get the impression that the Government were encouraging such speeches, to take special care that reports of such speeches should be brought to your notice?

A. I did not feel that the imposition of censorship should be carried to that extent.

Q. Was it a part of your duty to suggest action against publications which created hatred between different communities or sects or contained incitement to violence?

A. Yes.

Q. Did you take action in respect of the following publications:-

(1) Report of a speech of Maulana Abdul Haamid Badayuni



which you have already seen.

- (2) Reply to the question put to Maulana Sultan Mahmud, Khatib, Masjid Shah Muhammad Ghaus, Lahore, published in the 'Azad' of 5th May 1952, Ex.D.E./260, under the heading:
- "مرزائی مسلمانوں کے نزدیک عیسائی اور یہودیوں سے بدتر ہیں۔"
- (3) Report of Pakistan Defence Akhbar Conference held at Muridke on 6th May 1952, published in the 'Azad' of 10th May 1952, Ex. D.E./261, under the heading:
- "جس طرح انگریزوں نے سالانہ ٹیپ اور بہادر شاہ کی لاش پر کئی ریاستوں کی بنیاد ڈالی  
ایسی طرح آج لیاقت اور افتخار و شیر خان کی لاشوں پر مرزائی اسٹیٹ بنائی جا رہی ہے"
- (4) Report of the speech of Sayyid Muzaffar Ali Shamsi made at Chuharkana, published in the 'Azad' of 24th October 1952, Ex.D.E./262.
- (5) The 'Leader' of the 'Azad' dated 2nd November 1952, Ex.D.E./263.
- (6) Report of the proceedings of the conference held at Daska, published in the "Zamindar" of 25th September 1952, Ex.D.E./264.
- (7) Report of the speech of Maulana Akhtar Ali Khan made at a conference held at Gujranwala, published in the "Zamindar" of 5th November, 1952, Ex.D.E./265.
- (8) Report of a speech of Sayyid Ata Ullah Shah Bokhari, published in the "Zamindar" of 6th November 1952, Ex.D.E./266.
- (9) Reports of the speeches made at Gujrat by Maulana Muhammad Bakhsh Muslim and Maulana Muzaffar Ali Shamsi, published in the "Zamindar" of 9th November 1952, Ex.D.E./267.

- (10) Report of the speech of Sahibzada Faiz-ul-Hasan, published in the "Zamindar" of 13th November, 1952, Ex.D.2/268.
- (11) Report of the speech of Maulana Abul Ala Maudoodi, published in the 'Azad' of 31st January 1953, Ex.D.2/269.
- (12) Report of the speech of Sahibzada Faiz-ul-Hasan, published in the 'Azad' of 5th November 1952, Ex.D.2/270.
- (13) Report of the speech of Sahibzada Faiz-ul-Hasan and a poem by Fida Husain Fida, published in the 'Azad' of 7th November 1952, Ex.D.2/271.
- (14) Report of the speech of Maulana Abul Hasanat at Sialkot and the news item under the heading: "آبِ حیات کے شہر میں" both published in the 'Azad' of 12th November 1952, Ex.D.2/272.
- (15) Reports of the speeches of Master Taj-ud-Din Ansari and Sayyed Ata Ullah Shah Bokhari, published in the 'Azad' of 16th January 1953, Ex.D.2/273.
- (16) Report of speech of Maulana Abul Hasanat and a poem by Hafiz Hazarvi, under the heading: "آبِ حیات کے شہر میں" both published in the 'Azad' of 4th February 1953, Ex.D.2/274.
- (17) Report of the proceedings of a public meeting published in the 'Azad' of 6th February 1953, Ex.D.2/275.
- (18) Report of the speech of Maulana Muhammad Ali Jullundri, published in the 'Azad' of 18th February 1953, Ex.D.2/276.

4. So far as the 'Azad' goes, it was on the basis of such reports that several warnings were given, some time on my own and some time on the instructions of Government, and ultimately I proposed suppression of the newspaper under the Public Safety Act in December 1952.

As to whether any action was taken in respect of each particular passage will be clear only from a perusal of the file. The paper was ultimately banned in February 1953. As regards the "Zamindar", the question of proper action on the basis of cuttings from this newspaper put up by the Press Branch from time to time was discussed by me with the Chief Minister on several occasions and the decision each time was that action should be postponed until some decision was taken on the question as to how the movement should be dealt with as a whole. The main reason for postponing action against the "Zamindar" was, as far as I could gather, that action against this newspaper would create more problems than it would solve.

To Court:-

Q. Was not the ban imposed on the 'Azad' after the 27th of February 1953?

a. I cannot give any date.



To Counsel, contd:-

Q. Was Maulana Ahmad Ali one of the Ulama to be contacted in pursuance of the decisions taken at the officers conference on 5th July?

A. Yes.

Q. Was this Maulana Ahmad Ali one of the lecturers employed by the Department of Islamiat?

A. No.

Q. Did the khutba of Maulana Ahmad Ali published in the 'Azad' of 15th August 1952, marked Ex.D.227, come to your notice?

A. I do not remember.

Q. Does not this khutba attribute to the Punjab Government the knowledge that if the police or the army were employed for the protection of Chaudhri Muhammad Zafarullah Khan, they would not act in case any action became necessary to protect him?

A. Yes, that seems to be the purport of the article.

To Court:

Q. Did you believe what is stated in this khutba to be correct?

A. No.

Q. Did you have knowledge that adequate measures for the protection of the Foreign Minister had been taken by the Punjab Government?

A. No.

To Counsel contd:-

Q. If this khutba had come to your notice, would you not have made some inquiry about the truth of the allegations?

A. Yes, and I am not sure that such inquiries were not made.

Q. Did you contradict the information in this khutba in so far as it related to the Government's duty to provide safety to the visiting Minister?

A. I cannot remember.

Q. I put it to you that this was brought to your notice and you deliberately took no action on it because you wanted the general public to get the impression that the Provincial Government was in favour of the agitation against the Foreign Minister?

A. The insinuation is entirely incorrect.

Q. Is Allama Auluddin Siddiqi in charge of the  
Department of Islamiat in the Punjab University?

A. Yes.

Q. Was he a member of the Majlis-i-Maali?

A. Yes.

Q. Was the Allama employed as one of the lecturers?

A. Yes.

Q. How much did he get?

A. Rs. 280/-.

Q. Was an organisation called "Rabita Ittihad-e-Muslimeen" رابطہ اتحادین المسلمین  
formed through the Department of Islamiat?

A. It was not formed through my department but this body  
was formed by the Home Department on its own initiative.

Q. Were the following persons, namely, Maulana Abul Hasanat,  
Maulana Ghulam Din, Maulana Muhammad Baithab Maslin,  
Sayyed Muzaffar Ali Shamsi, Allama Auluddin Siddiqi and  
Maulana Daud Ghaznavi, members of this Majlis?

A. I cannot say about Maulana Ghulam Din but I think



the others were members of this Majlis. I am saying this from memory.

Q. How did you know of the affairs of this Majlis?

A. A press note explaining its formation was issued by the Home Department through the Public Relations Department and it was also suggested by the Home Department at one stage that the Advisory Board of the Department of Islamiyat should assist in the evolution of a formula which could eliminate conflicts between Shias and Sunnis.

Q. Was not one of the objects of this Majlis to advise the Punjab Government in religious disputes between the various sects of Islam?

A. The object might have been thus expressed in the pressnote but, as far as I know, the Majlis concentrated on Shia-Sunni conflicts.

Q. Look at the reference to this Majlis in the "Afaq" of 2nd October, 1962, Ex.D.S.278, and say whether it does not show that the scope of the activities of this Majlis was more general?

a. It does say that the scope was general but the fact remains that in actual practice this body concentrated on Shia-Sunni conflicts only.

Q. Was this Majlis functioning after July 1952?

a. Yes. It was indeed formed after that month.

Q. Why did you not suggest that the controversy between the Ahmadis and the general body of Muslims should also be referred to this Majlis?

a. It was not my function to take any initiative regarding the working of this body.

Q. Did you as Director of Public Relations suggest the formation of any board to settle this controversy?

a. No.

Q. Did the poster entitled "Mirzaiyyat Kia Hai",

Ex.D.1.279, relating to the publication of the sixth edition of "Qadiani Mazhab", come to your notice?

a. No. Such posters do not normally come to the notice of the Press Branch.

To Court:-

Q. Has the Press Branch anything to do with the printing presses?

A. Yes.

To counsel continued:-

Q. Did Abuzar Bokhari, son of Maulana Ataulah Shah Bokhari, apply for a declaration for the "Mazdoor", Multan, in May or June, 1952?

A. It may be so.

Q. Did the D.I.G., C.I.D. report about this newspaper that its activities would be directed against the Ahmadiyya doctrines?

A. I cannot say without seeing the record. (On seeing the record the witness has answered the question in the affirmative affirmative.)

Q. Was eventually a declaration granted to Abuzar on his depositing a security in the sum of only Rs.1,000/- ?

A. It may be so. The initial security in such cases cannot exceed Rs.1,000/-.

To Court:-

Q. Did the case of this declaration come to your notice?

A. In the ordinary course it must have come to my notice.

To counsel continued:-

Q. Did you see any of the issues of this paper when it started publication?



A. I do not remember.

Q. Did the following words in the issue of this paper dated the 13th June, 1952, Ex. D.E. 280, about the head of the Ahmadiyya community, come to your notice:

"حضرت خلیفۃ المسیح الزمانی یداعا ملّا خان -"

A. I cannot say without seeing the record whether this was noticed by the Press Branch.

To Cont:-

Q. If these words had come to your notice, what action in law according to you could have been taken in respect of this paper?

A. Action could have been taken against it under the Press Emergency Powers Act, Public Safety Act or prosecution under sections 153 or 295-A, P.P.C. could have been launched.

Not to be reported.  
(Only the actual words are to be with held.)

Q. You agree that a mere warning would have been grossly inadequate in this case?

A. Yes.

Q. Did you, in this case, advise a mere warning?

A. I cannot say from memory. The file would show the proposed action.

Q. What will you think if an officer concerned suggested a mere warning in this case?

A. I would think that the action was inadequate.

Q. Will you think that the officer was acting honestly in suggesting the action?

A. I would have no reason to doubt his honesty.

Q. And his sense of proportion?

A. It is implied in my statement that there must be something wrong with his sense of proportion.

Q. Were you acting honestly or with a due sense of proportion when in this case you suggested a mere warning?

A. I agree that the action was inadequate. Possibly I took this action because it was suggested by the D.I.G., C.I.D.

Q. Does the giving of such a warning have any legal significance?

A. It has no legal significance.

Q. You said that action was taken against the "Azad" by suppressing its publication and that this action was taken at your instance.

Did the Central Government also ask you to take action against any paper?

A. Yes. While consideration on my proposal was underway, a telegram was received from the Central Government on February 18, drawing attention to certain articles in the "Azad" and the "Zamindar" with a view to action.

Q. Did you make the following note in respect of the "Zamindar" :-

"Zamindar is pretty bad on the Ahmadi question, but I think we should wait and see how the agitation develops."

A. Yes.

Q. Why did you consider it necessary to wait and see how the agitation developed before you proposed action against the "Zamindar"?

A. The idea was that the Rast Iqdam movement was in prospect and that it would be suitable to deal with the "Zamindar" as part of Government's action against the movement as a whole.

Q. The Central Government brought to your notice two papers



as publishing objectionable articles. Why did you propose action against the one and not against the other; will the reason that you have given for not taking action against the "Zamindar" not apply to the "Azad" ?

A. I have submitted in answer to a previous question the reason for discriminating between the "Azad" and the "Zamindar". The "Zamindar" presented a peculiar problem. Maulana Akhtar Ali Khan was the President of the P.S.N.C. and in the good books of the Central Government.

Q. But the Central Government itself was proposing action against the "Zamindar" ?

A. As far as I could gather, the Central Government spoke with two voices on the question of this newspaper. The officials of the Ministry of Information and Broadcasting, who were anxious to keep this paper on the right side of Government, advised us from time to time to use only persuasive methods with the "Zamindar". The Ministry of Interior drew the attention of the Punjab Government from time to time to objectionable articles and suggested action which that Ministry also could take without waiting for the Provincial Government to act.

Q. What did you mean by persuasive methods?

- A. Methods not involving legal coercion, the object of persuasion being that the newspapers should desist from fanning the anti-ahmadiyya agitation as far as possible.
- Q. What would you consider to be a reasonable time limit for the use of persuasive methods?
- A. The question was discussed after intervals of about a month or so and the decision each time was that action should yet be postponed. The question was discussed with the Chief Minister.
- Q. Did you discuss the question with the Chief Minister when you received the present complaint from the Central Government?
- A. No. I submitted my advice in the light of the policy that had been pursued till then, namely, that we should wait until we see how the movement as a whole had been dealt with.
- Q. Did you receive any instruction from the Ministry of Information and Broadcasting asking you to use only persuasive methods?
- A. I had a discussion with the Joint Secretary of the Ministry in December 1952 or thereabout and this was his view. On another occasion, I remember that during a discussion with me the Chief Minister observed that he had been talking about the "Zamindar" to the Central Ministers and that he had gathered the same impression that they did not favour

coercive action against the "Zamindar" at that stage.

Q. If the Central Government by a top-secret-most-immediate cypher telegram direct the Provincial Government to take action against a named paper, do you consider it within your competency to refuse to take action without consulting the Provincial Government?

A. I would put my own views before the Provincial Government and the Provincial Government would take action.

Q. Was it competent to you to suggest that no action should be taken by the Provincial Government?

A. I merely expressed my views, and it was for the Provincial Government to accept or not to accept.

Q. Had you, while giving this advice, in mind the wishes of the other voice of the Central Government, namely, the Ministry of Information and Broadcasting, and, if so, why did you not point this out?

A. I had in mind the general policy that had been pursued until then with regard to this newspaper after taking all factors into consideration. I



submitted my advice on that basis.

Q. Were you aware that when you recorded your note of 21st February 1953, the ultimatum for the acceptance of the demands had been delivered to the Prime Minister?

A. Yes.

Q. What did you mean when in your note dated 21st February 1953, you said: "action in regard to the press will have to be part of a comprehensive policy of dealing with the agitation if it takes the form of law-breaking"? Did you really intend to defer action until the law started to be broken?

A. I merely meant that action against the press would probably have to be more strict and drastic if lawlessness broke out and had to be suppressed.

Q. Why did you not express yourself in these terms?

A. When I used the word "action" in my note, I meant suitable action.

Q. Did this note of yours contain a statement of policy?

A. It amounted to a suggested policy.

Q. Should we take it that the upshot of this case was that this policy was accepted by the Provincial Government, namely, of taking no action until law-breaking began?

- A. My proposal was apparently accepted, but I have submitted already that what I meant in my note was that action would have to be suited to the situation which would arise on actual law breaking.
- Q. Were you previously in the habit of making proposals which were not suited to the situation?
- A. The point of my note was only that action against the "Zamindar" would not be suited to the conditions existing at the time but that action would have to be as stringent or strict as might be considered necessary if the threat of lawlessness materialised.
- Q. Did the Provincial Government ever tell you that you were not to suggest action against the "Zamindar"?
- A. No.

To Counsel contd:-

- Q. Was your attention drawn to the very first issue of the "Mazdoor" which was published on 5th May 1952, marked Ex.D.E.281?

A. The ordinary routine was that some comment was made by the Press Branch and sent to me with the first issue of a newspaper; therefore, some comment must have been made.

Q. When the case of the declaration for the "Mazdoor" was pending, it was reported that this paper would indulge in anti-Ahmadiyya agitation. When you saw the first issue of this paper, did you suggest any action against the paper?

A. I see from the file that the first issue of the newspaper was put up in the ordinary routine with the following remark by the Superintendent of the Press Branch:-

"As it is likely to prove troublesome,  
the paper will be carefully watched  
in the Press Branch."

I intialled the information and sent the papers back.

Q. Did this paper write any objectionable articles subsequently?

A. Yes.

Q. Did you suggest any action in respect of those articles?

A. Yes. On December 29, 1952, I proposed that a security of Rs.3,000/- from the publisher and a similar security from the keeper of the press should be demanded. This



was the maximum security that could be demanded under the law.

Q. What were the final orders of the Government?

A. The Government accepted my proposal and orders directing the parties concerned to deposit securities were issued on the 5th of February 1953.

To Court:-

Q. Was the order enforced?

A. No. The orders were withdrawn on instructions from the Chief Minister because a deputation representing the proprietors of this newspaper had probably waited on him and given him some assurances regarding the future.

Q. Was the action suggested by you referable to anything said about the anti-Ahmadiyya movement?

A. The particular article on which action was proposed was mainly anti-Government but in suggesting action, I had in view the newspapers bad record regarding its policy towards anti-Ahmadiyya agitation.

To Mr. Mazhar Ali Azhar:- Nil.

To Maulana Maikashi:-

Q. You have said that Mallana Abdul Haamid Badayuni

was detained for some anti-Government activity. Do you know that subsequently the Government apologised to him and released him ?

A. I do not know.

Q. Did the Government consider it unlawful for any Musalman to give public expression to his view that the Holy Prophet was the last of the prophets?

A. No.

Q. Can you imagine what would be the reaction if the Government were to ban by law expression of belief by Muslims in the doctrine of Khatm-i-Nabuwwat?

A. In my opinion there would be a general revolt.

Q. Do you think that if Government banned the propagation of the doctrine of Khatm-i-Nabuwwat, any genuine Musalman would be willing to cooperate with the Government?

A. I do not think in the circumstances supposed, Government will receive any cooperation from a real Musalman.

Q. What was the attitude of the anti-Government newspapers in regard to the Khatm-i-Nabuwwat movement?

A. Two newspapers namely, the "Azad" and the "Tasneem" supported the movement throughout; the "Nawa-i-Waqt" tried to appease popular opinion in favour of the

movement in one or two of its issues in July but remained silent otherwise while the "Iaroze" supported the Khata-i-Nabuwwat doctrine but opposed unconstitutional methods in one particular issue in July and kept silent afterwards.

Q. Please look at Ex.D.F.238 the issue of "Alfazi" dated 17th December 1952. Was any action in respect of it proposed by the police?

A. I had proposed that the paper should be banned under the Public Safety Act. The action suggested was taken. This action was proposed in the same case with the "Azad". The proposal first went to the Chief Minister through the usual channel of the Chief Secretary and the Parliamentary Secretary. Orders by the Chief Minister were passed on the 6th of February to the effect that action should better be taken under the Press Emergency Powers Act and not under the Punjab Public Safety Act, as originally proposed by me. The papers were resubmitted to the Chief Minister on 20.2.1953 suggesting that action under the Punjab Public Safety Act would meet the needs of the situation adequately. While the papers were still awaiting



his orders, a suggestion was also received from the Central Government that both these newspapers should be closed down. Final action was, therefore, taken towards the end of February.

Q. Did you ever give any advice to the Government as to what was to be done in respect of the Ahmadiyya literature that was being published from time to time?

A. I did not suggest any action, because the literature in question purported to be sacred to the Ahmadiyya community.

Q. Please look at the issue of the "Alfazi" dated 21st April 1952, Ex.D.E/282, and say whether it contains expressions which are offensive to the general body of Muslims?

A. This contains nothing offensive from the point of view of the Press Law.

Sd/- M.Munir  
President,

16th December 1953.

Sd/- M.R.Kayani  
Member.

Proceedings adjourned till tomorrow, the 17th December, 1953, when further examination of this witness will be continued after the statement of Major-General Muhammad Azam Khan is finished.

Sd/- M.Munir  
President.

16th December 1953.

Sd/- M.R.Kayani  
Member.

18th December 1953.73rd Sitting.

Present:

Honourable Mr. Justice M. R. Kayani, MEMBER.

Mr. Yaqub Ali Khan, Advocate, assisted by  
Messrs. Abdul Aziz and Said Akbar,  
Advocate, for Mian Muntaz Muhammad Khan  
Daultana.

Mr. Bashir Ahmad, Advocate, assisted by  
Mr. Ghulam Murtaza, Advocate, for Sadr  
Anjuman Ahmadiyya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-  
Ahrar.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya  
Anjuman-i-Isha'at-i-Islam.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

Mr. Ijaz Ali for the Punjab Government.

Mr. Saeed Malik, Member, Juma'at-i-Islami in person.

WITNESS NO. 125 (called by Punjab Government) continued:

Mir Nur Ahmad, on solemn affirmation:-

To Court:-

Q. Ishtiaq Hussain Qureshi, Education Minister, has stated  
in evidence before us that when he came to Lahore in  
the latter half of July 1950 as Minister for Information  
and Broadcasting, you went to see him and that he told

you that according to his information the Department of Islamiyat, which worked under you, had been supplying articles to newspapers. Dr. Qureshi further stated that you tried to parry the question but that upon being pressed to give an answer, you replied that efforts had been made to "canalize" the agitation into certain channels. He particularly confronted you with the fact that the "Afaq", which was for all practical purposes, to the best of his information, under the Directorate of Public Relations had taken up the attitude that the Ahmadis should be declared a minority. According to Dr. Qureshi, your reply was that this was an effort to "canalize" the agitation into certain channels. Dr. Qureshi further stated that he told you that in his opinion this was not canalizing but fanning the agitation. Do you wish to say anything in relation to this evidence of Dr. Qureshi?

A. What happened, according to my recollection, was that Dr. Ishtiaq Husain Qureshi told me that two complaints



had been made to him. One was that the Department of Islamiat or some officer of the Department had been supplying articles to newspapers on the subject of the anti-Ahmadiyya agitation. He particularly mentioned Maulvi Ibrahim Ali Chishti. I explained to him that I could not believe it. The allegation which had been made to him was, in all probability, wrong, but in any case, I would inquire. The second complaint which he said had reached him was that pro-Government newspapers were supporting the demand that Ahmadis be declared a non-Muslim minority and that I was not trying to prevent them. He particularly mentioned "Afaq" in this connection, which, he said, was believed to be specially amenable to the advice of Government and my department. I explained to him that it was true that I had not been interfering with the expression of views by pro-Government newspapers on the lines indicated

by him because I understood Government policy to be one of non-interference with writings within the limits of the law and that in the context of this policy interference with the "Afaq" seemed to me to be particularly uncalled for because this newspaper while supporting the demand that Ahmadis be declared a non-Muslim minority, had also been crusading against the methods of the agitation. ✓

Q. Did he say that to the best of his information, the "Afaq" was "under" the Director of Public Relations?

A. I cannot recall the exact words but what he said amounted to saying that the "Afaq" would have been particularly ready to take whatever line my department would have suggested to it on any issue.

Q. Dr. Qureshi has also stated that at the informal meeting to which he had on that occasion invited newspapers' editors, Mr. Hamid Nizami made an allegation that you were at the back of the agitation and that you made no answer to this charge. Is this correct? ✓

A. No such allegation was made by Mr. Nizami to my knowledge

or within my hearing.

(The witness says he wishes further to clarify the circumstances in which the Department of Public Relations had paid the cost of the cablegram which was sent by Maulana Akhtar Ali Khan to Mr. Rashidi in Cairo and London. Allowed.)

It had come to the notice of the Pakistan Government that there was a move that a conference of representatives of editors of newspapers from Asia and Middle East should be held in Cairo and that Mr. Rashidi was giving his blessings to this move. He was on a tour abroad at the time. He happened to be the President of the Pakistan Newspapers Editors Conference. The Pakistan Government considered the move to be inopportune at the time and desired Mr. Rashidi to be advised by his organization accordingly. It was, therefore, arranged with Maulana Akhtar Ali Khan that he should send a cablegram to Mr. Rashidi at two addresses and in consultation with the Central Government, I offered to defray the expenses of the cablegram from the funds of my department.



To Mr. Yaqub Ali Khan, Counsel for Mr. Daultana:-

Q. When and how was the scheme for the purchase of the newspapers first initiated?

A. I think it was first adopted in a conference convened by the then Minister for Information and Broadcasting, Khwaja Shahabuddin, in December 1950 or January 1951 at the Government House, Lahore. The Hon'ble Minister proposed that the Provincial Government should provide financial aid to a certain type of newspapers and the conference had been held to consider this proposal.

Q. Who else was present at that conference?

A. The Governor of the Punjab, Sirdar Abdur Rab Nishtar, the Chief Secretary to Government Punjab, and an officer of the Central Government, either Mr. G. Ahmad or Mr. Ikram, besides myself.

Q. With what object did the Hon'ble Minister make this suggestion?

A. His object was to compensate those newspapers which suffered in sale because of maintaining a sober and

sympathetic attitude towards the Government and persons in authority in their comments and trend of news.

Q. Was it because the press was generally opposed to the policy of the Provincial Government?

a. I do not think so but there were newspapers which were writing against and doing propaganda against the Prime Minister and other persons in authority and the view of the Hon'ble Minister was that newspapers found this line commercially profitable and that moderate newspapers should be compensated.

Q. Had the system of purchasing newspapers ever before been in vogue in this province?

a. It remained in force under the Ministries of Sir Sikanar Hayat and Malik Khizar Hayat, almost ever since I joined service in 1938. It had also been in force at times even before the introduction of provincial autonomy in 1937.

Q. How did these aided newspapers stand in relation to your department?

A. The position was not that my department commanded or could command their policies but they were more amenable to our advice than the other newspapers.

Q. What did the Chief Minister tell you in the 3rd week of July about the anti-ahmadiyya campaign which was being supported by the four newspapers referred to in your earlier statement?

A. He said that Government could or should issue no official orders restricting the freedom of the press in discussing this subject but that I should give unofficial advice to these newspapers and to any other newspaper which I considered amenable to such advice, to impose voluntary restrictions on themselves and refrain from taking part in this controversy.

Q. What restrictive action could you have taken?

A. The only course would have been for the Punjab Government to impose restrictions under the Public Safety Act.

Q. Would it not have brought these newspapers into clash with the Punjab Government?



A. Yes.

Q. Is it a fact that besides these four newspapers, the other papers were also actively hostile to the Government?

A. Yes.

Q. Would this not have antagonized the public also?

A. Yes.

Q. When were the contracts of these four newspapers renewed?

A. As far as I can remember, they were to be renewed in July 1952.

Q. Did you put up a note that since these papers had been carrying on the agitation, their contracts should not be renewed?

A. I proposed that the contracts should be renewed but this proposal was made sometime in June 1952. I did not point in my note to the anti-Ahmadiyya activities of these newspapers.

Q. Was a separate budget to be provided for the scheme of purchasing newspapers?

A. Yes, in the form of a supplementary grant for the year 1950-51.

Q. Why was any appropriation then made from the grant of the Education Department?

A. Because in the budget for the year 1951-52, which was prepared by the Governor before the formation of the Ministry, no provision had been made for the present scheme.

Q. Who asked for the money?

A. I.

To Court.

Q. Why did you not ask for a grant when the new budget was being prepared for 1951-52 by the Governor?

A. The Governor did not contemplate the further execution of the scheme. His view was that the Ministry could decide for itself whether it should pursue the scheme or not.

To counsel:-

Q. Why was the money taken particularly from the Education Department?

A. Because the execution of the scheme was expected to

serve a subsidiary purpose in connection with  
the Adult Education Scheme.

Q. When was the Department of Islamiat first initiated?

A. It started during the Mandot Ministry under the name of Department of Islamic Reconstruction, but was abolished when Governor Nudie took over under section 92-A. The idea was revived in the form of a budgetary provision by the  
the Advisers in the time of Governor Nishtar. A decision to establish the Department was taken by Governor Nishtar in November 1950. It actually came into being in September or October 1951.

Q. What was the result of the Chief Minister's direction to you that you should persuade the aided newspapers to forbear  
forbear from anti-Ahmadi propaganda?

A. Three of the four newspapers practically ceased taking part in the agitation.

Q. Were not similar publications against Ahmadis appearing in the Karachi papers between May 1952 and February 1953?

A. To my knowledge two newspapers namely, "Jang" and "Anjam", were carrying on propaganda against Ahmadis.

Q. Did the Central Government take any action against these papers?

A. No action was taken to my knowledge.



Q. Did the attitude of the Central Government

towards these papers affect your policy also?

A. Yes, and it affected the attitude of the Punjab

Government also.

Q. Is it within your knowledge that the Ulama were openly

proclaiming that the Central Government was favourable

to the concession of the demands?

A. Yes.

Q. Did this affect your policy towards the newspapers

publishing reports of speeches by the Ulama?

A. Yes.

Q. Did the "Nawai Waqt" contribute any articles supporting the agitation?

A. Yes, in the sense that on certain occasions

the "Nawa-i-Waqt" asked Chaudhri Muhammad Zafarullah

Khan to resign and once or twice it supported the

Khatm-i-Nabuwwat doctrine, though it opposed the

method of lawlessness.

Q. Was it because of the intimate relations of Maulana

Akhtar Ali Khan with Khwaja Nazimuddin that you were

reluctant to advise that the "Zamindar"

should be banned?

A. This was one of the reasons. I knew that the

Pakistan Government were looking up to Akhtar Ali Khan all the time for help in keeping the press on the side of Government because Akhtar Ali Khan was the President of the Pakistan Newspapers Editors Conference. He was also understood to be playing a helpful part in the Prime Minister's negotiations with the Majlis-i-Amal.

Q. How did Maulana Akhtar Ali Khan become President of the Newspapers Editors Conference? Was it with the blessings of the Pakistan Government that he became the President?

A. He was elected by the members, but I cannot say that the Pakistan Government had any hand in the election.

Q. Is it a fact that the Ministry of Information and Broadcasting were asking you all the time to keep the press on the right side of the Government with the help of Maulana Akhtar Ali Khan and, therefore, not to antagonize Maulana Akhtar Ali Khan? ✓

A. Yes.

Q. Is there any instance in which your Department proposed any action when the Chief Minister did not agree?

A. No.

Q. Do you remember that on 13th December 1952 you sent a certain cutting from the 'Azad' to the legal Remembrancer advice as to whether action should be taken under the Press Emergency Powers Act?

A. Yes.

Q. What was the advice of the Legal Remembrancer ?

A. His advice was that, although some portions of the speeches which appeared in the cutting were couched in strong and objectionable language, since the public in general and the public speakers in particular were "these days" inclined to use strong language, no action should be taken.

Q. Was the tenor of the speeches appearing in this particular cutting the same as the tenor of the speeches which were shown to you earlier in your evidence by counsel for the Punjab Government and the Sadr Anjuman Ahmadiyya, Rabwah?

A. Yes.

Q. What were your relations with Mr. Hamid Nizami?

A. Very much strained.

Q. What action was taken from time to time against Mr. Hamid Nizami?

A. During Mr. Daultana's Ministry, the press where the "Nawa-i-Waqt" was printed and which had been allotted to Mr. Hamid Nizami, was sealed and the allotment cancelled.



The declaration of the "Nawa-i-Waqt" was cancelled and Mr. Nizami was not allowed for a long time to renew that declaration.

Q. What was Mr. Hamid Nizami's attitude towards Mr. Daultana after the latter had left the Mamdot Ministry?

A. It is well known that since then he had been carrying on persistent propaganda against Mr. Daultana.

Q. Are you aware that he made virile and malicious attacks on Mr. Daultana in his paper even in respect of his private life?

A. Yes.

Q. Did anybody place before Dr. Ishtiaq Husain Qureshi any articles which were supposed to have been contributed by your Department?

A. Dr. Qureshi did not show me any articles.

Q. Did any one point out to you any such articles?

A. No.

Q. Did Dr. Qureshi point out to you that such and such articles had been contributed by your Department?

A. No. He made a general complaint that articles had been supplied by the Department of Islamiyat and the allegation, whenever revived, remained in those general terms. No specific article was ever pointed out to me.

Q. You have stated that in March 1953 the Chief Secretary asked for your explanation at the instance of Mr. G. Ahmad in relation to the activities of your Department vis-a-vis the agitation. Did you make any inquiry into those allegations?

A. Yes. I produce a copy of the reply which I gave to the Chief Secretary, Ex.D.E/283.

Q. What was the nature of the inquiry?

A. I asked the papers whether any contributions had been made by Mr. Ibrahim Ali Chishti or any other member of the Department of Islamiyat under the pen-name of 'mufakkir' or 'mubassir' and the reply was in the negative.

Q. Did you ask them as to who had been contributing under these two and other pen-names?

A. I learnt from the management of the "Zamindar" that the articles under the pen-name of 'mufakkir' in their columns had been written by Ch. Ghulam Haider, a brother of Maulana Zafar Ali Khan, and that the articles under the name of 'mubassir' had been written by another member of their staff.

Q. Did you receive any written communication from the office

of the "Zamindar"?

A. Yes.

Q. Can you produce it?

A. Yes. I produce the reply which is Ex.D.E/284. I also produce a copy of my letter which I wrote to the "Zamindar", Ex.D.E/285. I also wrote a letter on this subject to the "Ehsan", a copy of which is Ex.D.E/286 and the reply received from the "Ehsan" is Ex.D.E/287.

To Court:-

Q. Did you write to the "Zamindar" and the "Ehsan" in your official capacity?

A. Yes.

Q. Why are you keeping them on your own file?

A. I submitted my explanation on the date when I was proceeding on leave and the papers remained with me.

To counsel (continued):

Q. Is it correct that you had been controlling the "Afaq" on behalf of the Chief Minister?

A. This is not correct. Further, I was not even controlling that paper.

Q. You have said that the Chief Minister had a political interest in the paper. Will you explain the nature of this interest?

A. He wished every newspaper well which supported him politically.

Q. In the "Zamindar" of 6th November 1952, there appeared an advertisement that the Khata-i-Nabuwat week was being



celebrated by the Majlis-i-Amal and that for further particulars the Majlis-i-Amal or the Department of Islamiat should be contacted. Was this advertisement sent on behalf of or with the approval of the Department of Islamiat?

A. No.

Q. When did this advertisement come to your notice and what action did you take?

A. It came to my notice on 9th of November and I issued a press-note contradicting the impression that the Department of Islamiat had anything to do with it. The newspaper had already contradicted it.

Q. Did you make any inquiry from the newspaper itself?

A. No.

Q. It is suggested that you issued the press-note after the Civil & Military Gazette had protested against the advertisement. Is that correct?

A. Several things were brought to my notice at the same time the publication of the original advertisement, two contradictions by the same paper, and criticism by the C.&M.gazette. This was on my return from tour.

Q. Were you on tour on the 6th, 7th and 8th of November?

A. Yes.

Q. Was it because the paper itself had already issued two contradictions that you did not consider it necessary to ask for an explanation from it?

A. Yes.

Q. Was the Khatm-i-Nabuwwat week in fact celebrated?

A. No.

Q. Were you present at the interview which took place between the Ahrar leaders and the Chief Minister on the 19th of July 1952?

A. Yes.

Q. Is it within your knowledge that the decision to release the Ahrar leaders was taken at a conference held between the 19th and the 21st July 1952, between the Chief Minister, the I.G. Police and other officers?

A. Yes.

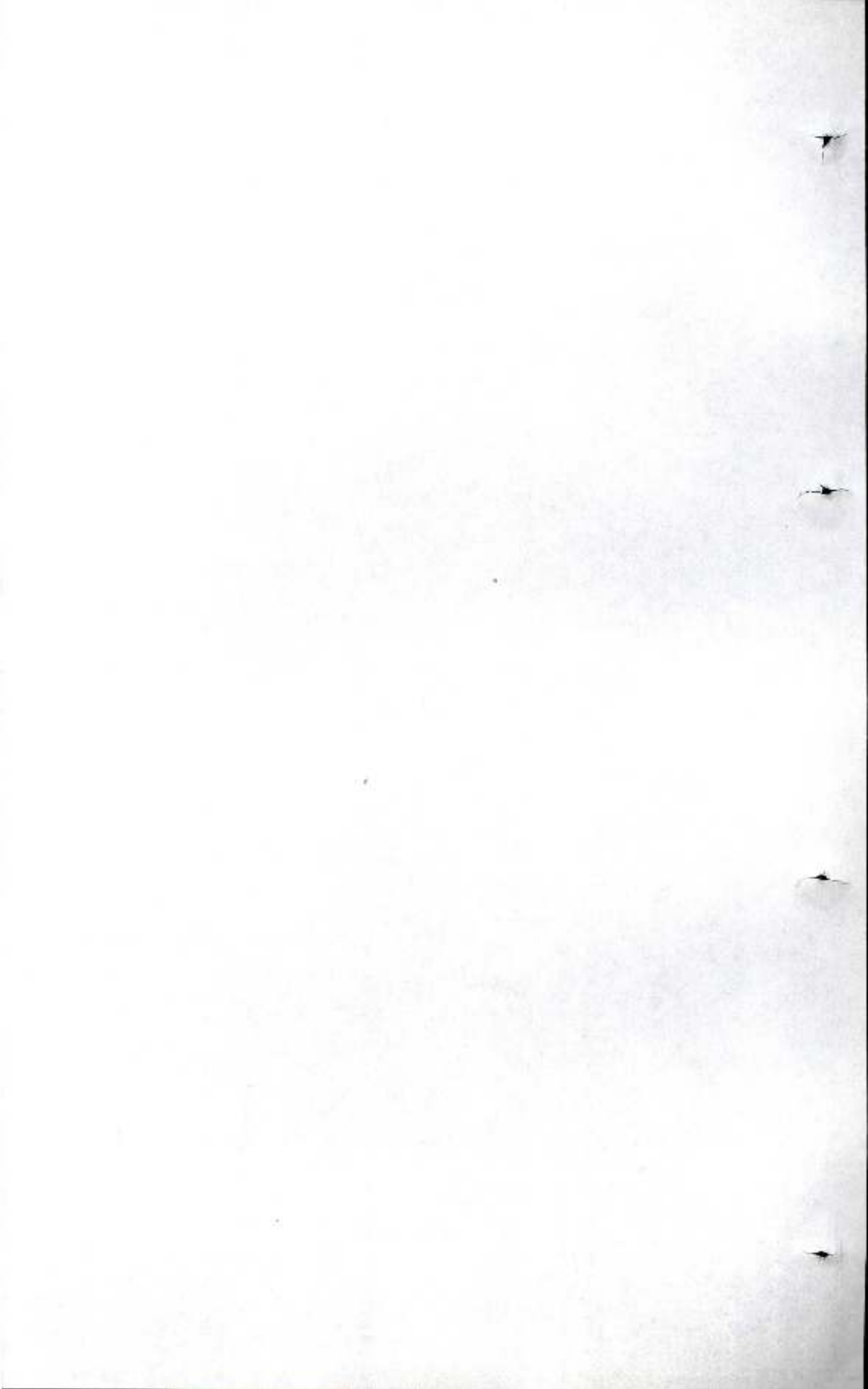
Q. Were payments similar to those made to the members of the "Zamindar" staff made to members of the staff of other newspapers?

A. Yes.

Q. What led you to an interview with the Ahrar at Badami Bagh?

A. There had been some lawlessness outside the room where a meeting of the Muslim League Council was being held and I went to suggest to the Ahrar leaders to issue a statement condemning those who had indulged in this activity.





that the Directorate of Public Relations had been contributing articles to the newspapers?

A. I met the Chief Minister and it was I who reported to him that Dr. Ishtiaq Husain Qureshi had complained to me. The Chief Minister did not say that Dr. Qureshi had complained to him also.

Q. Did you or anybody in your department inform the Chief Minister that Mr. Chishti had supplied some material to his friends in relation to the anti-Ahmadiyya movement?

A. No.

Q. Is it not a fact that the list of articles on which lectures were to be delivered remained in the Department of Islamiat and was never sent to the Chief Secretary or the Chief Minister?

A. Yes. It is a fact.

Q. Is it not a fact that you never proposed to the Government that the names of the Ulama who were indulging in anti-Ahmadi propaganda should be removed from the list?

A. It is a fact. If I had thought that removal of their names was necessary, I would have removed them myself without reference to Government.

Q. Did it come to your notice that Maulana Daud Ghaznavi wanted the Department of Islamiyat to pay him Rs.10,000/- for the "Mufradat-i-Raghib"? ✓

A. Yes. Mr. Ibrahim Ali Chishti brought it to my notice.

Q. Did you support Mr. Ibrahim Ali Chishti in the proposal that the demand should be rejected?

A. Yes, and he rejected it accordingly.

Q. How many of the lecturers selected by the Department of Islamiyat were arrested for having taken part in anti-Ahmadi agitation? ✓

A. Eight out of eighteen. One of these persons was arrested for what he had done in March 1953. The persons arrested were Maulana Abul Hasanat Muhammad Ahmad, Maulana Ghulam Muhammad Tarannum, Maulvi Ghulam Din,



Sahibzada Faizul Hasan, Maulvi Salim

Ullah, Rafiz Khadim Husain, Qazi Murid Ahmad and  
Professor Abdul Hameed Beg.

Q. Since when were they associated with your department?

A. Two of them, namely, Maulana Abul Hasanat and  
Maulana Ghulam Muhammad Tarannum, were associated  
with the department from the beginning as members  
of the Advisory Board. The others were employed  
for individual lectures from time to time.

Q. Did you employ Qazi Murid Ahmad because he was an  
M.L.A. ?

A. I relied on that fact in judging his personality.

Q. Did you while considering the qualifications of the  
lecturers, take into consideration their activities  
in relation to the anti-Ahmadi movement?

A. No.

Q. Is it correct that after July 1952, every Alim was  
taking part in this agitation?

A. Yes.

Q. Did you keep a record of the meetings which you used  
to have with the Chief Minister when discussing the  
policy of the department?

A. Sometimes I did and sometimes I did not.

Q. I produce before you the "Azad" of December 7,

1952, marked Ex.D.E.288. Which are the passages that you sent to the Legal Remembrancer for his opinion?

A. I have marked these passages with red pencil.

To Court:

Q. Please look at File No. <sup>11</sup><sub>64</sub> 61-V of the D.P.I.'s

office which contains your note proposing that appropriation be made from the Adult Literacy Fund at the disposal of the D.P.I. to the Department of Public Relations for the purchase of newspapers. Does it not show that the proposal was made by you?

A. Yes, as an alternative.

(NOTE:- Mr. Fazal Ilahi, Counsel for the

Punjab Government, desires it to be noted that the witness has all along been giving evidence from his file from which he has also taken out letters which were exhibited today.)

R.O.&.A.C.

18th December 1953.

Sd/- M.R.Kayani  
Member.

For further proceedings adjourned to 22/12/1953.

18th December 1953.

Sd/- M.R.Kayani  
Member.

Witness No. 125 (Re-called by Court):-

Mir Nur Ahmad, on solemn affirmation:-

Q. Did the Home Secretary on the 28th of February 1953, communicate to you the contents of a cypher telegram from the Central Government which is being shown to you, for giving publicity to it?

A. A copy of this telegram was marked to me either by the Home Secretary or by the Chief Secretary.

Q. Did you give publicity to it?

A. Yes, only to the extent of communicating its contents unofficially to newspaper editors.

Q. The Home Secretary's note addressed to you is in the following form:-

"I have further discussed with the C.S.

regarding the points raised in this telegram and as desired by him I am sending a copy thereof to the D.P.R. for taking necessary action. I addressed also a body of press conference to which the editors of various local "Dailies" had been invited and in consultation

with the C.S. I spoke to them about the attitude of the Government, without of course, revealing the source, and made it clear to them that this talk was strictly off the record."

The note should have made it clear to you that so far as the addressing of a press conference went, the Home Secretary had himself done so and that you were required to give further



publicity to the matter. Did you understand the note in this sense?

A. I did nothing beyond communicating the views of the Central Government as embodied in the telegram to the editors of newspapers.

Q. On Chief Secretary's note, dated 5th July 1952, the Chief Minister observed as follows:-

"We must keep ourselves strictly aloof from all religious and political controversies and their merits in their own contexts. Our appeal should make these words clear."

Against this observation, Mr. Anwar Ali has noted:-

"This has since been arranged through D.P.R."

Please state how you implemented this direction?

A. We were already observing this decision and telling newspapers that Government was neutral as far as the controversy was concerned. I did just what I was doing before, namely, telling newspapers that the Government were neutral as far as the controversy was concerned and that they were interested only in the maintenance of law and order.

Q. Do you know if the newspapers gave publicity to this view?

A. I would presume that they must have done so, but I am not

5th December 1953.64th Sitting.

President:

Hon'ble Mr. Justice Muhammad Munir,  
 Chief Justice, President,  
 Hon'ble Mr. Justice M. R. Kayani, Member.

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Mr. Fazal Ilahi, Advocate, assisted by  
 Mr. Ijaz Ali, for the Punjab Government.  
 Mr. Yaqub Ali Khan, Advocate, for Mian  
 Muntaz Muhammad Khan Daultana.  
 Mr. Bashir Ahmad, Advocate, assisted by  
 Mr. Ghulam Murtaza, Advocate, for  
 Sadr Anjuman Ahmadiyya, Rabwah.  
 Mr. Fateh Muhammad Aziz, Advocate, for  
 Ahmadiyya Anjuman-i-Isha'at-i-Islam.  
 Mr. Mazhar Ali Azhar, Advocate, for the  
 Majlis-i-Ahrar.  
 Maulana Murtaza Ahmad Khan Maikash, Member,  
 Majlis-i-Amal, in person.  
 Mr. Nazir Ahmad Khan, Advocate, for Juma'at-i-  
 Islami.

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IN CAMERA. WITNESS NO.126 (called by the Punjab Government):

Mian Anwar Ali, Inspector General Special Police

Establishment, Karachi, on solemn affirmation:-

To Court:-

Q. In the conference held in Karachi on the night

between 26th and 27th February, was anything said about the volunteers that might proceed to Karachi from the Punjab?

A. Yes.

Q. Did those who were present at the conference apprehend the possibility of volunteers coming from the Punjab to Karachi after the direct action started?

A. Yes, because a volunteers' camp had been set up in Lahore.

Q. Who first thought of this possibility?

A. What happened was this. After the decision to take action had been reached, the measures which were necessary were considered and one of the decisions was that the Provincial Government should try to stop the volunteers from going to Karachi.

Q. Did you assure the Central Government that steps would be taken to stop the volunteers from proceeding from the Punjab to Karachi?

A. Yes.

Q. How did you implement this decision on your return to Lahore?



A. I recorded the various decisions on return to Lahore and passed them on to the Home Secretary and requested him to issue directions to the District Magistrates and Superintendents of Police. I think he issued a circular letter in which some directions were given about the movement of volunteers.

It was also stated that in case any volunteers got through, information should be sent to the Karachi and Sind administrations.

Q. There is some confusion in the evidence as to the instructions that were issued from Lahore regarding the stopping of volunteers that were entraining for Karachi. Can you tell us what were the instructions issued from time to time?

A. Three sets of instructions were issued. The first set of instructions said that the District authorities should try and stop the volunteers from going to Lahore and Karachi and take action in their respective districts. So far as I remember, it was not made clear as to what action should be taken. It was left to the discretion of the local authorities

either to arrest them or to persuade them according to what the situation required. These instructions were issued by letter on the 28th February and were probably followed by wireless messages. On the 2nd March, I received a message from the Chief Minister that as much excitement was being caused in the districts as a result of action being taken by the district authorities in stopping the volunteers, arrests should be avoided and persuasive methods used instead. These instructions were to be issued only to those districts from which it was possible to go to Karachi without passing through Lahore. In the case of other districts, persons who had ostensibly entrained for Karachi got down at Lahore. Therefore no instructions were issued in respect of these districts. The instructions related to Muzaffargarh, Multan, Lyallpur, Sargodha and Rawalpindi only. On the 3rd March instructions were issued from the Home Secretary that the orders issued on the 2nd should be deemed to be cancelled and the instructions issued previously should remain in force. This meant that all volunteers

proceeding either to Lahore or to Karachi were to be arrested, if necessary.

Q. Had a large number of arrests been made before the instructions of 2nd March were issued?

A. So far as I am aware, only two jathas left for Karachi. The first jatha which was led by Sahibzada Faiz-ul-Hasan, reached Karachi because it left before the instructions of the 28th were issued. The second jatha bound for Karachi was stopped at Lodhran. I am not aware of any other jatha or individual having gone to Karachi as no information from the Karachi administration or from our own sources was received to this effect.

Q. Was any other jatha detained before the 2nd March?

A. I received no information as to any such arrests either before or after the 2nd of March.

Q. Were any volunteers arrested at the station of embarkation in pursuance of the instructions of the 28th ?

A. I think some arrests were made at bus-stands and possibly at railway stations.



Q. Did you give any instructions regarding the

volunteers to Mr. Noon who was then D.I.G. Multan ?

A. When I received instructions from the Chief Minister,

I rang up Mr. Noon and conveyed the instructions to

him with the direction that he was to act accordingly

within his jurisdiction. In order to secure

compliance speedily, I informed Mr. Habibullah, A.D.I.,

C.I.D. on the telephone to ring up the Superintendents

of Police of Muzaffargarh, Lyallpur, Sargodha and

Rawalpindi.

I have already submitted a written statement to

this Court. The statement is based on whatever

knowledge I possessed from memory because I wrote the

report at Quetta. Before I proceeded on leave on the

1st of June, I offered to His Excellency the Governor

and the Hon'ble Minister of the Interior that I should

write a detailed note on the disturbances but I was told

that this was not necessary. All the same I wrote a note

on the history of the Ahrar agitation within the last

two days of handing over which I have attached to my

written statement and which has since been printed as a

pamphlet.

Q. What is that pamphlet based on?

A. On C.I.D. reports and records and on my own

knowledge of the movement.

Q. Do you mean to say that where in that pamphlet you have made a reference to a person having made a speech, the speech was reported by officials deputed for the purpose?

A. Yes, in most cases.

Q. Your pamphlet on the Majlis-i-Ahrar, which forms part I of your written statement, ascribes the following remarks to Sayyed Ataullah Shah Bokhari:

"He had called the Quaid as Kafir-i-Azam and had affirmed that if Pakistan did come into existence, he would shave his beard and moustaches with urine."

Is this based on a C.I.D. report of his speech?

A. This information is based on records in the C.I.D. Punjab. After the Partition, printed posters containing the above allegations were broadcast, probably by the Anjuman-i-Nanjawan-i-Pakistan (of which Muhammad Husain Tinsaz was a member) and also by other individuals and groups. So far as I know, the allegations were not contradicted.

Q. What is the allegation, that at a Tabligh conference held in Lahore from 20th to 22nd April 1950

Q. Did you feel that the anti-Ahmadi agitation was assuming a form which was full of dangerous possibilities?

A. Yes. I had that feeling about the possibilities of the movement as far back as 1950, and my written statement would show that I put it in very clear terms to the Government.

Q. You suggested certain measures from time to time to cope with the situation?

A. Yes.

Q. Do you think that the Provincial Government acted as firmly as it should have done?

A. In June 1952 some action was taken, meetings were proscribed and some arrests made. Whenever we went up, we were told that the Central Government, which was competent to give a ruling on the demands, should also take action. An impression was also spread by the Ahrar that they were negotiating with the Central Government and expected to secure a decision favourable to themselves. On one occasion when I discussed the matter with the Chief Minister, he told me that he was afraid that if he took any action and the Central Government in the meantime accepted the demands, his position would be compromised. ✓



Q. Did Mr. Qurban Ali Khan, the then Inspector-General of Police, have any views about the movement?

A. He also felt very strongly about this movement and considered it most dangerous. In fact, he sent one of my reports specially to His Excellency so that he also might come to know about it. I think it was in October 1952. The Governor just initialled it and sent it back.

Q. With what idea did Mr. Qurban Ali Khan send the note to the Governor and not to the Chief Minister?

A. Probably he thought that by doing so the situation would come to the notice of the Central Government.

Q. Did you suggest in 1950 that the Ahrar should be declared an unlawful body?

A. Yes.

Q. Do you think that if they had been then declared an unlawful body, nothing would have happened in 1952?

A. Nothing.

Q. Did you again suggest in 1952 also that they should be declared an unlawful body?

A. Yes. If they had been declared an unlawful body even then, I think the situation could have been controlled.

Q. You were making suggestions to Government from time to time as to what steps should be taken to control the various situations arising. Did you feel that

the Government were not meeting your suggestions adequately?

A. I felt that in the olden regime action would have been taken much more promptly and effectively.

Q. The action that you proposed was on the law-and-order side. We assume that the province could itself take that action. Would the Provincial Government be embarrassed in taking any action on the law-and-order side because the Central Government did not take an express decision on the three demands?

A. The answer is both yes and no. In the case of movements which have country-wide ramifications, it is not considered good on the part of a Provincial Government to take any large-scale action, which might have the effect of embarrassing another Provincial Government. On the other hand, on a matter of law and order, in view of the constitutional position, the Provincial Government would be fully entitled to take action unilaterally.

Q. Did not the Central Government make it clear that the Provincial Government should take action on the law-and-order side?

A. To my knowledge only one letter was received



before June 1952 in which it was said that the Central Government did not approve of any sectarian agitation.

Q. Did you and Mr. Qurban Ali Khan predict as to what would happen if no firm action were taken?

A. We did say that there would be serious bloodshed and disturbance of the peace if action were not taken.

Q. Did these predictions come true?

A. Yes.

To Mr. Fazal Ilahi, Advocate, on behalf of the Punjab Government:

Q. Was a policy letter issued by the Central Government in September 1952, impressing upon all Provincial administrations that "religious controversies should be confined to reasonable limits and should not be allowed to reach a point where the public peace and tranquillity may be endangered" and that "militant and aggressive sectarianism should, in the opinion of the Central Government, be suppressed with a heavy hand" ?

A. Yes.

Q. Were these instructions repeated in another policy letter issued in July 1952?

A. Yes.

Q. When you made your suggestions, did you have the policy detailed in the Central Government's letter dated 7th



September 1951 in view?

A. One of my proposals was made before the receipt of that letter.

Q. Did you take any action against any one who was spreading hatred between Ahmadis and the general body of Muslims?

A. Yes. Some arrests, as for instance that of Ghazi Siraj-ud-Din Munir, were made under the Public Safety Act and a case was registered against Maulana Muhammad Ali Jullundri for making speeches which were calculated to promote communal hatred either under section 124-A or 153-A. Then a case under section 302/115 P.P.C. was registered against

Ghazi Siraj-ud-Din Munir for inciting violence against

Ahmadis and encouraging the looting of their property. Mass

action was also taken in June 1952 and communal meetings

banned. More arrests of Master Taj-ud-Din Ansari, Sheikh

Husam-ud-Din and Sahibzada Faiz-ul-Hasan and a number of

other persons in the district of Gujrat, Sargodha and

Jhelum were made.

Q. Were all these men subsequently released?

A. Master Taj-ud-Din Ansari and Sheikh Husam-ud-Din were

convicted and sentenced to six months' rigorous imprisonment each. They were, however, subsequently released by an

order of the Chief Minister. The case against Sahibzada Faiz-ul-Hasan was withdrawn. This was also done under the orders of the Chief Minister.

Q. Do you know if the Central Government was consulted before these persons were released and the case against Sahibzada Faiz-ul-Hasan was withdrawn?

A. I do not know. There were several other prosecutions for defying orders under section 144 and all these, including that against Sahibzada Faiz-ul-Hasan, were withdrawn under the orders of the Chief Minister. The effect of the prosecutions was so wholesome that the Ahrar came in a deputation to the Chief Minister and gave him a written undertaking for keeping the agitation within legal limits and, further, to protect the Ahmadis.

Q. Did they abide by that promise?

A. No.

Q. Do you think that the withdrawal of these prosecutions and the release of convicted persons was injurious?

A. If I had been consulted, I would have said that it was so.

Q. Is it because you knew that the Ahrar would not abide by their promise?

A. Yes.

Q. To what does the following sentence in the Central Government letter of 2nd July refer: "The Government of Pakistan have noted with satisfaction the action taken recently by the Punjab Government in dealing with the sectarian agitation?"



A. This refers to the action taken by the Punjab Government in the month of June 1952 in prosecuting the Ahrar leaders and imposing orders under section 144, Criminal Procedure Code.

Q. Was a meeting held on 24th December 1952 which was attended by the H.C.M., the Home Secretary and yourself?

A. I do not remember. (Upon a perusal of the file the witness said that the meeting had been held.)

Q. Why was this meeting held?

A. This meeting was held to consider the following note which I recorded on 24th October 1952:-

"The speeches of Ahrar leaders are not only venomous but they are indecent and offensive. There is no decrease in the number of conference and hatred continues to be preached. For such mischievous speeches I do not see why some kind of ban should not be imposed on S. Ata Ullah Shah Bokhari. At one time, I recommended that he should be restricted to the Multan or Muzaffargarh district. He stayed in the latter district for two years after the Partition. I recommended this proposal once again to Government. The intelligentsia are getting tired of such speeches. They are corrupting the masses."

My proposal was not accepted, but it was decided that action should be taken only where a speech offended against the provision of the ordinary law. Beyond this, it was not considered necessary to take any action.



Q. Was anything particularly offensive said in this speech?

A. In this public speech Sayyed Ata Ullah Shah Bokhari had

Not to be  
released.

declared that Queen Victoria had given birth to Mirza

Ghulam Ahmad of Qadian and that he could not forecast what

the new Queen was going to deliver. He also accused Queen

Victoria of general immorality and mentioned Reynolds book

"Mysteries of the Court of London" as referable to her

majority.

Q. How did the proposal to hold this meeting originate?

A. It originated with the stenographers' reports of the speeches at a two-day conference of All Muslim Parties' Convention held at Lyallpur on the 26th and 27th of September 1952. At this conference speeches were made by Mirza Ghulam Nabi Janbaz, Master Taj-ud-Din, Ansari, Sahibzada Faiz-ul-Hasan, Sheikh Husam-ud-Din, Taj Muhammad Mahmood of Lyallpur, Sayyed Muzaffar Ali Shamsi and Maulana Daud Ghaznavi.

Q. Was there anything wrong with the speeches as reported to you?

A. Chaudhri Nazir Ahmad, Superintendent Police in Charge of the Ahrar Section, pointed out in his note with which he forwarded the stenographers' report the objectionable nature of the speeches in general and that of Sayyed Ataullah Shah Bokhari in particular. The entire proceedings relating to this matter are contained in file No. 16(2) 127, S.B. During October, November and December, there was a round of conferences held by the All Muslim Parties' Convention. These conferences were held under different names. Their

object was to create sympathy in favour of the demands and to mobilise public opinion against the Ahmadis and in support of the demands.

Q. Did the C.I.D. report that a Khatm-i-Nabuwwat conference was held at Shujabad on the 19th and 20th of November, 1952?

A. Yes.

Q. Who were the persons reported to have made speeches on that occasion?

A. Muhammad Ali Jullundhri, Mirza Ghulam Nabi Janbaz, Sheikh Husam-ud-Din, Maulvi Ghulam Ghaus of Hazara, Qazi Ehsan Ahmad Shujabadi and Sayyed Ataullah Shah Bokhari were the main speakers. The reports of the speeches made are to be found in File No.16(2) 130-S.B.

The original note on this file is by Chaudhri Nazir

Ahmad. On that note I recommended that Government

might agree to warnings being issued once again to

the Ahrar leaders, particularly Sayyed Ataullah Shah

Bokhari and Muhammad Ali Jullundhri, that

Government should not tolerate such wild speeches,

that the public was being corrupted and that the

proper course was to prosecute both these leaders.



But as the Central Government had declined to define its attitude towards the Ahrar and the Punjab Government could not act unilaterally, I suggested that a warning by the Home Secretary or the Chief Secretary should be administered. The recommendation made in this file was also the subject-matter of reference and decision in the meeting held on 24th December. In other words, no action was taken. In those days the C.I.D. had started a special feature of writing a weekly note giving in detail the activities of the Majlis-i-Ahrar and other allied organizations for the information of Government. These notes used to be written by Chaudhri Nazir Ahmad and submitted to Government through me, after with my remarks.

Q. Was it reported to you that a Khatm-i-Nabuwwat conference was held in Chiniot from 26th to 28th December 1952?

A. Yes.

Q. Who were the speakers at this conference?

A. Master Taj-ud-Din Ansari, Maulvi Habibullah, Maulvi Muhammad Ali Jullundhri, Qazi Ehsan Ahmad

Shujahadi, Sayyed Muzaffar Ali Shamsi, Sheikh Husam-ud-Din, Mirza Ghulam Nabi Janbaz, Sayyed Ataullah Shah Bokhari and Sayyed Ataulmanim Bokhari were the prominent speakers. The stenographers' reports of those speeches are in file No.16(2) 100.S.B, volume I.

Q. Did you make any recommendation?

A. I recorded on this file that the speeches were of the usual pattern and designed to spread confusion. This file was seen by the Chief Minister.

Certain letters relating to the agitation came to notice in the course of censorship and Chaudhri Nazir Ahmad, S.P., recorded a note which he put up to me through A.D.I.G., C.I.D. I recorded the following note in File No.16(2)102:-

"The number of Ahrar meetings has greatly increased. Once again in almost all mosques of the Province the main theme is that Government should take action against the Ahmadis. The simple public is being gradually worked up and the tempo of excitement may reach such a pitch that cases of violence may take place. Events are now moving briskly and today in Lahore two incidents resulting in violence have taken place. The law-abiding public is becoming sceptical about the ability of Government to handle the situation."

The note is dated 16/2/1953. I passed on my note to the

Home Secretary who sent the file to the Chief Secretary and the Chief Minister.

Q. Was a hartal observed in Lahore on 16th February on the occasion of the Prime Minister's visit?

A. Yes.

Q. Did some cases of violence occur on that day?

A. Yes.

Q. What were these instances?

A. I cannot remember the details but I recorded



a note which must be in the C.I.D. office.

(On referring to File No.17(4)18 the witness

gives the following description of the

incidents:)

- (1) Faces of persons who refused to take part in the hartal were blackened.
- (2) Brickbats were thrown at the Dyal Singh College students who were not coming out to take part in the hartal.
- (3) A car was brickbatted and its glasses smashed.
- (4) Brickbattling the exchanged between the students of the Talim-ul-Islam College and some demonstrators, the main gate of the College having been smashed. A student in the procession received an injury on the head.
- (5) Mock funeral of the Foreign Minister was arranged.
- (6) The Prime Minister was abused.

Q. Who organised the hartal?

A. The hartal was organised by the Council of Action.

Q. It is stated that the police was also cooperating with the Majlis-i-Amal. Is it so?

A. In that case we would not have been putting up the notes which the Court has seen.

Q. It is not possible that without your knowing it

some subordinate officials might have cooperated with the people who were bringing about this hartal?

A. It is impossible that policemen should have cooperated in organising the hartal and we should not have known about it.

On 14th July I recorded a summary of the activities and decisions of the All Parties Muslim Convention. This summary is to be found in File No.16(2)110 and contains extracts of the speeches that were made in the Barkat Ali Muhammadan Hall on 13th July. This summary was sent to the Home Secretary and the Inspector-General of Police, who also recorded a note. H.C.M. also saw this. I do not think that the law-and-order situation deteriorated after the Convention held on 13th July; but propaganda was organised, meetings arranged, enlistment of volunteers made and funds collected after the date of that Convention. The social boycott of the Ahmadis also began to be advocated. A movement was also set on foot to refuse burials to Ahmadis in Muslim graveyards. At Gujranwala, separate utensils for the Ahmadis were displayed at eating shops.

Q. Were there any forcible conversions after the Convention?

A. I do not think that the conversions took place forcibly, but I do think that in certain places owing to fear of molestation and the general atmosphere of hatred created by the agitators, some Ahmadis did discard their faith.

Maulana Akhtar Ali Khan was ordered to be arrested on 27th or 28th February. A warrant for his arrest was issued but he offered to apologise in writing in any form acceptable to Government. He was at that time in Police Station Civil Lines. I was in the Government House. Khan Zulqarnain Khan came to me and conveyed this

information. He wanted to know whether Akhtar Ali Khan should be arrested or an undertaking in writing taken from him. I told him to go to the H.C.M.'s house and to take his orders. I informed H.E. the Governor-General and H.M. the Governor who were both at the Government House. Khan Zulqarnain Khan came back and said that the H.C.M. had agreed to Akhtar Ali Khan not being arrested if he gave a suitable undertaking to preserve the peace. This decision was conveyed to Akhtar Ali Khan, who wrote out an undertaking which was put in an official form after some modification. He was then allowed to go to his house. The undertaking was shown



on the following morning to His Excellency the Governor-General.

Q. Was it decided at the Karachi conference that the "Zamindar" was to be banned?

A. Yes.

Q. Was that direction carried out?

A. An order banning the "Zamindar" was passed and sent for execution. Akhtar Ali Khan promised to give up the anti-Ahmadiyya attitude and to help the Government in maintaining peace and order. This offer was put before the Chief Minister who said that the order should be held in abeyance.

Immediately before the arrests in Karachi, it came to my notice that Master Tajuddin had written a letter to Akhtar Ali Khan telling him not to court arrest but to organise the movement otherwise.

Q. Was any undertaking alleged to have been given by the Ahrar to the Chief Minister or Mir Nur Ahmad ever communicated to you officially?

A. No.

Sd/- M. Munir  
President.

5th December 1953.

Sd/- M. R. Kayani  
Member.

Proceedings adjourned till Monday, the 7th December 1953. The statement of Mian Anwar Ali (Witness No.120) will be continued on Tuesday, the 8th December 1953.

Sd/- M.Munir  
President.

5th December 1953.

Sd/- M.R.Kayani  
Member.

8th December 1953.66th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M.R. Kayani,

Member.

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Mr. Fazal Ilahi, Advocate, assisted

by Mr. Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian

Nuntaz Muhammad Khan Daultana.

Mr. Mazhar Ali Azhar, Advocate, for the

Majlis-i-Ahrar.

Mr. Asadullah Khan, assisted by Mr. Abdur Rahman Khadim,

Advocate, for Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya

Anjuman-i-Isha'at-i-Islam.

Mr. Said Malik, Ameer-i-Juma'at-i-Islami,

in person.

Maulana Murtaza Ahmad Khan Maikash, Member,

Majlis-i-Amal, in person.

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CAMERA.

Statement of Mian Anwar Ali (Witness No.126)

continued, on S.A.-

Cross-examination by Mr. Fateh Muhammad Aziz, Advocate,on behalf of Ahmadiyya Anjuman-i-Isha'at-i-Islam:- Nil.



1830

To Mr. Mazhar Ali Azhar, Advocate, on behalf of  
Mailis-i-Ahrar:

Q. Were the Ahrar against the British domination and had they allied themselves with the Congress in the struggle for independence? (The second part of the question was suggested by Court.)

A. Yes. In fact, the Ahrar were the only Muslim party which were openly agitating against the British until the Muslim League came into the field.

Q. Is it true that where Muslim interests were concerned, the Ahrar stepped into the field irrespective of whether they would please the Congress or displease it?

A. Until the Muslim League movement developed, the Ahrar did agitate for Muslim interests, but not later.

Q. Did the Muslim League come into the field in 1940?

A. Yes.

Q. Did the Ahrar pass any resolution against the Partition of the country even after 1940?

A. I am not aware of any such resolution, but the fact that the Ahrar set up candidates against the Muslim League during the 1945-46 elections clearly showed that they were opposed to the ideal of the Muslim League.

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Q. Are you aware that the Ahrar passed a resolution for the establishment of Hukumat-i-Ilahiya in 1943?

A. No.

Q. Was it not the contention of the Ahrar that the Muslim League should not try to be the sole representative of the Muslims and should not try to fight the elections against the Unionists and the Ahrar who themselves were also not opposing the creation of Pakistan?

A. Yes. The Ahrar, some other Muslim parties and the Congress maintained that the Muslim League was not the sole representative of the Muslims and should, therefore, permit other Muslim candidates to fight the elections; but the other Muslim parties were not in favour of the creation of Pakistan.

Q. Was the Unionist party against the establishment of Pakistan, including in the Unionist party Sikh, Hindu and Muslim members of that party?

A. Yes. They were taking their cue at that time from the British..

It is true that in 1937 Sir Sikandar Hyat and his party had joined the Muslim League, but the real struggle for Pakistan started in 1940. It is also true that supported the resolution for the establishment of Pakistan. In or about 1944, however, there was a split

between the Muslim League and the Unionists.

Q. Are you aware that the Ahrar, particularly Chaudhri Afzal Haq, were writing in favour of Pakistan from 1940 onwards?

A. I am not.

Q. Did you read my book "Hamare Firqawarena Faisla ka Istadraj" published in 1944?

A. No.

Q. Is it correct that the Ahrar took part in the protection of Muslims just before the Partition?

A. Yes, that is correct because then the Ahrar themselves began to be attacked by non-Muslims in spite of their confidence in the Congress. ✓



Q. Did the Ahrar support the annexation of Kashmir with Pakistan after the Partition ?

A. The attitude of the Ahrar after the Partition was to give up any claim to being a political party and they said what the other Muslim Parties said.

Q. Did the Ahrar convene a Defence Conference in 1948 and what was its object?

A. I think it was a little later than 1948 and it was held at a time when war with India seemed to be imminent.

Q. Did the Ahrar take any part in the Kashmir Jihad?

A. I am not aware of any.

Q. Did the pamphlet, Ext. D.E/235, come to your notice?

A. No.

Q. Are you aware that in 1948 Mirza Bashir-ud-Din Mahmud Ahmad delivered a khutba in which he said that his followers should try to convert the whole of Baluchistan to Ahmadiism?

A. Yes. There was such a khutba, though I am not aware of its exact contents.

Q. Did there exist in 1948 a branch of the Majlis-i-Ahrar in Baluchistan?

A. I am not aware of it.

Q. Was there a split among the Muslim League leaders in the beginning of 1949, leading to the dismissal of the Mandot Ministry?

A. I do not think the dismissal of the Ministry was due to a split in the Muslim League political party. There might have been minor differences among them but these were not very pronounced.

Q. Was there a demonstration of these differences in the Muslim League when the Quaid-i-Millat addressed a public meeting in Chauburji grounds?

A. Yes, there was quite an active demonstration when Nawabzada Liaquat Ali Khan addressed the public meeting in Chauburji Garden. That, however, was in 1950 or 1951 before the elections of 1951 and after the floods.

Q. Did the Jinnah Awaaz Muslim League then exist?

A. Yes, it did exist very much.

Q. Was there a tendency in 1949 or 1950 on the part of the Mandot group to drift away from the Quaid-i-Millat and that of the Daultana group to ally itself more and more with him?

A. Yes.

Q. Were the Quaid-i-Millat and Mr. Daultana then being assisted by the Ahrar?

A. Yes. ~~The~~ Ahrar were supporting the Quaid-i-Millat who was supporting Mr. Daultana.

Q. Are you aware of the understanding or arrangement between the Muslim League and the Ahrar to the effect that the latter would support the former, but that they would oppose the Ahmadis even if they were nominees of the Muslim League?

A. The attitude of the Ahrar was that they were at the same time opposing the Ahmadi candidates and also flirting with the Muslim League.

Q. Were the Ahmadis dissatisfied with the Quaid-i-Millat's encouraging attitude towards the Ahrar?

A. I am not aware of any such dissatisfaction and do not think that there was any visible sign of it.

Q. Were you not reading in the "Alfazi" the khutbas of Mirza Bashir-ud-Din Mahmud Ahmad on the subject?

A. No. I was not a reader of the "Alfazi". There was a department under me whose duty it was to report anything of importance in the press, but this was not brought to my notice.

Q. Was this khutba, Ext.D.E/236, published in the "Alfazi" of 30th June 1950, brought to your notice?



A. No.

Q. Did it come to your notice that Mirza Bashir-ud-Din

Mahmood Ahmad was apprehending that he might have to  
leave Rabwah and go to Qadian?

A. Yes.

Q. Did the khutba published in the "Alfazi" of 31st

December, 1950, Ex.D.B.236, come to your notice?

A. I do not remember.

Q. Had a conspiracy started developing against the Qaid-i-

Millat in 1950?

A. A conspiracy was indeed developing but it was not

against the Qaid-i-Millat but against Pakistan

Government as a whole.

Q. Was one of the persons engaged in that conspiracy

General Nazir Ahmad who was an Ahmadi?

A. Yes.

Q. Was General Nazir Ahmad related to Chaudhri Muhammad

Safarullah Khan?

A. Yes.

To Court:-

Q. What happened to General Nazir Ahmad in the trial for that conspiracy?

A. He was awarded a day's imprisonment and cashiered from service. ✓

Q. How many other officers were involved in that conspiracy?

A. About ten officers. They received sentences ranging from three to twelve years. ✓

Q. Was there any Ahrar engaged in that conspiracy?

A. No.

To counsel continued:-

Q. When you made your proposal in 1950 that the Ahrar be declared an unlawful body, had other parties opposed to the Quaid-i-Millat come into the political field?

A. There was no electioneering propaganda in May when I made the proposal.

Q. Had Jinnah League and Awami Muslim League come into existence before May 1950?

A. Yes.

Q. And Azad Pakistan Party?

A. Yes.

Q. Did all these three parties come into existence because of the split in the Muslim League?

A. No.

Q. Would not the Quaid-i-Millat have been very much embarrassed if your proposal to declare that Ahrar an unlawful body had been accepted?

A. I do not think so.

Originally the Ahrar intended to put up their own candidates for election but when they found the position hopeless, they adopted the other alternative of siding with the Muslim League.

Q. What proof have you in support of this assertion?

A. Source reports.

Q. Are you aware of the existence of a conspiracy against the Quaid-i-Millat as distinguished from the conspiracy against the Pakistan Government?

A. I am not aware of any such conspiracy.

The Quaid-i-Millat was assassinated in October 1951.



Q. Why did you not in 1951 repeat your proposal of

declaring the Ahrar an unlawful body?

A. Because there was no fresh material in my possession.

Q. Was the policy of taking action in 1952 limited to

Ahrar only?

A. No. The Ahmadi meetings were equally to be banned.

Q. Were you responsible for the direction that the Ahrar

should be isolated from the other Muslims?

A. No.

To Court:-

Q. Why were the Ahrar isolated?

A. They were exciting the public and were responsible

for the ill-feeling which was being spread.

To counsel continued:-

Q. Is it a fact that in 1952 no prominent Ahrar leader

made any objectionable speech?

A. No, it is not a fact. Many Ahrar leaders made

objectionable speeches in 1952.

Q. Did you propose any action against such speakers?

A. Yes.

Q. In how many cases?

A . I do not remember.

Q. Is it a fact that you proposed that action be taken against the Ahrar leaders but the proposal was not accepted by the higher authorities?

A. Yes.

To Court:-

Q. Please state the occasion when you proposed action and the reasons communicated to you for not taking action?

A. I proposed action against several Ahrar leaders details of which are given in the note appended to my written statement.

To Counsel continued:-

There is a circular letter according to which proposals for launching prosecutions under sections 124-A and 153-A must originate from the District Magistrates.

Action was proposed against Muhammad Ali Jullundhri and it was taken against him.

Q. Should I take it that no District Magistrate during the year 1952 reported any of the top Ahrar leaders for action under sections 153-A and 124-A, to the Government?

A. No.

To Court:

Q. Were there any recommendations from D.M., Sialkot?

A. Yes. There were some recommendations by that officer, but they were not against prominent members of the Ahrar.

Q. Were those recommendations accepted?

A. No.

Q. Why?

A. The policy of Government was to prosecute only prominent leaders and not unimportant workers.

Q. Who took the eventual decision on the recommendations of the D.M., Sialkot?

A. Government.

Q. Which Minister?

A. Must be the Chief Minister who was in charge of Law and Order.

To Counsel contd.:-

Q. Was there any announcement from Rabwah on 16th January 1952 that the Tabligh propaganda should be so intensified



as to bring the opponents to knees?

A. I do not recollect any such announcement, though from time to time directions for intensifying Tabligh propaganda were given from Rabwah.

Q. Did the speech made by Chaudhri Muhammad Zafarullah Khan on 8th August 1952, which was published in the "Zamindar" of 13th August, come to your notice?

A. Yes, but I do not remember its contents now.

Q. Did he say in that speech that he would not resign under the pressure of the agitation?

A. I do not remember.

Q. Did he say in that speech that if no action was taken against the opposite party, he would resign?

A. I do not remember.

Q. Did you, after your proposal of May 1952, again recommend that the Ahrar be declared an unlawful body?

A. No.

Q. According to you the situation in October 1952 was dangerous. Why did you not suggest any definite action against the Ahrar?

A. I kept the Government fully informed of the activities of the Ahrar and of the situation that was developing.

The Duty of the C.I.D. is to collect intelligence and

to put it up before the Government and it is for

the Government to decide to take action.

Q. I put it to you that up to July 1952, when other parties had not joined the Ahrar, you were making

proposals against them, but that when you saw that the other parties had also sided with the Ahrar, you declined to make any recommendation against them?

A. There are two reasons for my not making any fresh recommendation against them, firstly, because the law-and-order situation in the North-West Frontier Province was not such as to warrant such a recommendation, and secondly,

because the inclusion of other elements in the movement was such that the inclusion of other elements would have the effect of weakening down the agitation and keeping it within reasonable limits.

Q. Is it true that on 23rd July the Home Secretary suggested some action against the Ahrar volunteers and you opposed it?

A. No. In fact, I recommended that all volunteer organisations should be disbanded.

Q. When the "Direct Action" resolution was passed, in

in case the threat materialised?

to put it up before the Government and it is for the Government to decide to take action.

Q. I put it to you that up to July 1952, when other parties had not joined the Ahrar, you were making proposals against them, but that when you saw that the other parties had also sided with the Ahrar, you declined to make any recommendation against them?

A. There are two reasons for my not making any fresh recommendation; firstly, because the law-and-order situation did not demand any action in the form of arrests, etc., on the part of Government, and secondly, because we thought that the inclusion of other elements would have the effect of sobering down the agitation and keeping it within reasonable limits.

Q. Is it true that on 23rd July the Home Secretary suggested some action against the Ahrar volunteers and you opposed it?

A. No. In fact, I recommended that all volunteer organisations should be disbanded.

Q. When the "Direct Action" resolution was passed in Karachi, did you propose what action you would take in case the threat materialised?



A. Yes. I pointed out that the situation was very serious and a firm decision should be taken by Government immediately although no official intimation of "Direct Action" was then received from Karachi.

Q. Did you make any plan to meet the possible threat?

A. Yes. I proposed that Government should immediately address the Central Government and find out what attitude the Prime Minister was going to take on these demands because on that depended how the agitation would develop, if at all.

Q. You have not answered my question. My question is that if the threat of "Direct Action" materialised, did you take any decision as to how to meet it in the Punjab?

A. The agitation was to start at Karachi and in the Punjab we had only to prepare ourselves for repercussions. We prepared a list of persons whom we would arrest if "Direct Action" threat materialised.

Q. There is that list?

A. It must be on police records.

Q. Were the arrests on 29th February made in accordance with this list?

A. Yes.

Q. According to that list were General Wali Muhammad and

Manzur Ahmad only to be arrested from Sialkot?

A. I do not remember the names now.

Q. Do you know who this General Wali Muhammad was and

What he was doing immediately before he was ordered  
to be arrested?

A. No.

Q. Did that list include only one man from Gujranwala,

who did not belong to the Ahrar organisation?

A. I do not remember the details.

Q. Why did you not decide to take some other action in

case "Direct Action" resolution was enforced in the  
Punjab?

A. Our information was that they were merely threatening  
the Central Government and forcing its hands to get  
some favourable decision. Master Tajuddin, who is now  
present in Court, himself told me that "Direct Action"  
would not actually start. We did not know what  
exactly they intended to do.

Q. Did you ascertain what was the total accommodation  
in the jails of the Province in those days?

A. It was not my subject.

Q. Was it not your duty to foresee how many prisoners

may have to be accommodated?

A. No.

Q. Do you know that before the Partition, in case of

apprehended popular agitation, adequate jail arrangements used to be made?

A. This question was actually gone into by the department concerned in connection with the present agitation.

Q. Do you know what arrangements were made for a possible overflow?

A. No, but I am sure some arrangements were made for such an eventuality.

Q. Did you give the number of possible arrests to the Jail Department?

A. The question was merely orally discussed.

Q. Did the Ahrar have a plan of action and were you aware of it?

A. I think the Ahrar are the most confused people, I have ever seen.

Q. Were you aware on 3rd February 1953 that the Ahrar wanted to make an absolutely nonviolent and sustained effort?

A. This is what they said but I did not believe them. I did not believe them because of their past conduct in giving assurances and then going back upon them. The Chief Secretary, the Home Secretary, the H.C.M., the Governor and myself warned



then severally! In my case a personal warning was given to Master Taj-ud-Din Ansari whom I had known for a long time. The Government, however, were of the contrary opinion as regards warnings!

Q. You have said in your statement: "It now appears that the All Parties Muslim Convention set up at the instance of the Ahrar workers has been forced into a position where they must either resort to what is being called a 'direct action' or lose the following of their adherents". Where did you get this information from?

A. From Master Taj-ud-Din Ansari who is now sitting in Court.

Q. Was it not clear from the words of Master Taj-ud-Din that something definite had to be thought out to meet the "direct action"?

A. I mentioned this to His Excellency the Governor on 16th February when the Prime Minister was in Lahore and he said he had already apprised the Prime Minister of the situation and had been told that some formula would be evolved.

Q. You have said in your letter dated 3rd February 1953 appended to your written statement that the public had lost interest in the Ahrar agitation as more important issues had come to the fore. What did you mean by this?

A. I meant that the Basic Principles Committee Report had created more important issues and that the intelligentsia were not with the Ahrar.

Q. What did you take the "direct action" to mean?

A. I frankly confess it was not clear to us what "direct action" would mean.

Q. Before the Partition, did not "direct action" mean that there would be civil disobedience in the sense that some law would be violated?

A. Yes.

Q. Were the Ahrar aiming to raise a band of 20,000 volunteers?

A. Yes.

Q. Were these volunteers being enrolled to offer themselves for arrest?

A. My view was that they were merely browbeating the Government.

Q. Did you prepare yourself for arresting 20,000 volunteers?

A. I have already said I did not believe that so many volunteers would offer themselves for arrest. In fact, the majority of the persons arrested were not volunteers.

Q. Then you were called to the conference at Karachi on 26th February, what questions were put to you?

A. One of the questions put was whether the Ahlwar were being financed through India.

Q. What reply did you give to this?

A. I said we had no information about it.

Q. Do you remember any other question?

A. No.

Q. Did they ask you at the Karachi conference that if the movement were diverted from Karachi to Lahore, would you be able to manage the situation?

A. Yes. I said we were prepared for it, though I added that it would not be an easy matter.

Q. Did you not then say that it would be difficult to accommodate 20,000 people in jails?

A. The question did not arise.

Q. Was it decided by the conference in Karachi that all volunteers embarking for Karachi should be arrested at the station of origin?

A. Yes.

Q. Are there any districts in the Punjab from where volunteers proceeding to Karachi need not pass through Lahore?

A. Yes. I have already mentioned the names of these districts.

Exclude



Q. Did you make any arrangements for the arrest of such people?

A. Yes and I have already referred to these arrangements.

Q. Did the arrests on 28th cause any unrest in Lahore?

A. I think there was a hartal on the 28th.

Q. Was there a procession on 28th?

A. Yes.

Q. Was it peaceful?

A. Yes.

Q. Why did you allow the procession to travel long distances?

A. Because such processions raised no law-and-order problem.

Q. Did you not think that such processions were drawing adherence to the movement?

A. I got that feeling on 2nd March and an order was made under section 144, Criminal Procedure Code.

Q. Some people have said that on the third of March a battle was going on in Lahore. Is this so?

A. I knew of no such battle.

Q. Do you now realise that there was such a battle on the 3rd March?

A. The 3rd of March was the most peaceful day in Lahore.

Q. Is it not correct that you did not expect any trouble until

the evening of the 2nd of March when somebody prophesied that there would be such riots that the police would not be able to control them ?

A. I heard of no such prophecy.

Q. Did you not advise the Home Secretary to write a letter to the G.O.C. prophesying the outbreak of serious disorders in Lahore and expressing an apprehension that the civil authorities might not be able to deal with the situation adequately?

A. We had asked the military to give us troops.

They told us that a letter under the authority of Government making the requisition should be issued to them. Accordingly the Home Secretary wrote out a letter. This requisition was made in consequence of the incidents of the 2nd March, such as the brickbattling of the police and the injuries to some police officers including a Superintendent of Police. This letter was issued after Maulana Akhtar Ali Khan's arrest.

Q. Did you decide on the evening of 2nd March that volunteers who offer themselves for arrest should be beaten?

A. No. The decision was that unlawful assemblies should be dispersed.

Q. Do you know that it was after the proclamation of an order under section 144, Cr.P.C. that batches of five volunteers each started coming from the mosques?

A. Some batches of five volunteers each may have been taken out but there were some batches of more than five volunteers each who were deliberately defying the order under section 144, Cr.P.C.

Q. Did you lathi-charge these volunteers?

A. We dispersed unlawful assemblies by lathi-charge.

Q. Did not you expect any reaction to lathi-charging in the form of disorders?

A. If any such reaction had arisen, it would have been most unjustified and we were fully prepared to meet it.

Q. Were persons captured on 28th February and 1st and 2nd



March and subsequently dumped away from Lahore,

beaten before they were put into conveyances?

A. I am not aware of any such beating.

Q. Did you not expect that the removal of the volunteers

from Lahore would create sympathy for the movement

in the minds of persons of the locality where they were dumped?

A. No sympathy resulted.

Q. Did you, on 3rd March, telephone to the Chief Minister

to say that half the battle had been won?

A. I might have expressed my satisfaction over the peaceful manner in which the day had passed because there was no procession in the Civil Lines on that day, shops were open, business was being transacted as usual and public confidence which had been upset during the preceding days seemed to be returning.

Q. Did you beat those who had come to offer themselves for arrest?

A. A number of processions were dispersed because the

number of persons in those processions was in excess of five as prescribed in the order under section 144,

Cr.P.C.

Q. Was it your line of action, not to arrest the processionists and take them peacefully to jails but to lathi-charge them in order to discourage others from forming processions?

A. My duty was to enforce the order under section 144 and to see that persons in excess of five do not come out in processions.

Q. Did you receive a report at the Kotwali on the evening of the 4th March that in the Chowk Dalgaran incident the Holy Qur'an had been sacrilegious?

A. Yes, there was a rumour afloat to that effect.

To Court:-

Q. Did you make any inquiry about this alleged outrage?

A. Yes.

Q. What was the result?

A. The rumour was not substantiated and I had to issue a press statement to the contrary.

To Counsel continued:-

Q. Was it reported to you that Maulvi Salimullah and

Maulvi Muhammad Yusuf had made speeches on the 4th about this alleged incident?

A. Yes.

Q. What action did you take against these two maulvis?

A. Maulvi Salimullah was arrested and Maulvi Muhammad Yusuf made himself scarce. On his arrest, Maulvi Salimullah made a statement, which was taken on a tape-recorder, showing how deliberately public feelings had been inflamed by Maulvi Muhammad Yusuf.

Q. Who is this Maulvi Salimullah? Is he in police service?

A. No. He is not a policeman. He is a keeper of one of the mosques in the city.

Q. Was he a Commander of the Police Razakars?

A. I do not know.

Q. Was he a prosecution witness against Niazi?

A. I do not know.

Q. Has any action been taken against Maulvi Muhammad Yusuf?



A. Until I left he was absconding.

Q. Where is he now? Don't you know that he is still in Sialkot?

A. I do not know.

Q. Did the District Magistrate, Lahore, decide to hand over the situation to the military on the evening of 4th March?

A. Yes.

Q. Did you oppose this move on the part of the District Magistrate?

A. Yes.

Q. Is it a fact that you and other police officers opened fire on the night of 4th/5th March?

A. Yes. The orders to fire were confined to officers and no subordinate police officer fired a single shot on that night except in self-defence.

Q. Was this order made because previously the subordinate police officers had fired when there was no occasion for it?

A. No.

Exclude

Q. You say in your statement that some of the subordinate police officers had been affected. What do you mean by this?

A. I had received information that some of the junior police officers were saying that firing was unnecessary as the demands were such as should have been accepted by Government.

Q. What was the number of casualties caused by firing on the night of 4th/5th March?

A. A record of all casualties was kept and each firing incident was made the subject of a magisterial inquiry. I cannot give the exact number.

Q. Were there any post-mortem examinations?

A. I do not know.

Q. Was any action taken against Sahibzada Faizul Hasan in respect of the speech made by him in village Bhullar?

A. No.

To Ch. Nazir Ahmad Khan, Advocate, on behalf of

Juma'at-i-Islami:

Q. What were the Ahmadis doing from the beginning of April to the end of 1952?

A. I remember only two things: one was that a pamphlet was issued, either from Okara or some other place, which was objectionable inasmuch as

the Khatm-i-Nabuwwat idea had been challenged in it; and the second thing was that an article was written in "Alfazi" in which there was some reference to one of the Prophet's wives in a manner which was taken exception to by a large number of people. I recommended action against the paper, but I do not know what ultimately happened.

To Mr. Asadullah Khan (By permission of Court):

Q. Look at page 5 of the "Alfazi" dated 17 December 1952, marked Ex.D.E.238, and say whether this was the article?

A. Yes.



To Mr. Nazir Ahmad Khan:

Q. Did you read an article headed "Khooni Mulla ke akhri din" published in the "Alfazi" of 15th July 1952?

A. One such article was brought to my notice but I do not remember it now.

Q. Did you recommend any action in respect of this article?

A. The responsibility for suggesting action is that of the Press Branch.

Q. What was the reaction of Sir Muhammad Zafarullah Khan's speech made in Karachi in May 1952?

A. It was not well received.

Q. Did the Ahmadis contribute anything to the agitation?

A. If they did anything, it was confined to spoken words or written articles in newspapers. As against this the Ahrar were doing something which was calculated to lead to lawlessness and violence.

Q. Were not the activities of the Ahrar confined to making speeches and writing articles?

A. Yes, but in addition they were also doing acts of lawlessness, for instance, they looted Ahmadi shops in Lyallpur in June or July 1952, encouraged an attack on the Kup Police Station at Multan and so on.

Q. Was a warning ever administered to Mirza Bashir-ud-Din Mahmud

Ahmad and Khwaja Nazir Ahmad in pursuance of one of the Karachi decisions?

A. Yes, on the 27th February, a warning was issued to Mirza Bashir-ud-Din Mahmud Ahmad telling him that he should not go out of Rabwah and that he should avoid making speeches and issuing statements which were likely to cause provocation. On our return from Karachi on 27th February, we sent for Kh. Nazir Ahmad and conveyed to him the order of the Chief Minister that he should abstain from writing inflammatory articles in his newspaper.

Q. Did the Punjab Government discuss the demands with the head of the Ahmadiyya community?

A. I do not know.

Q. When the leaders of Juma'at-i-Islami, including its Ameer, Maulana Abul Aala Maudoodi, were arrested, did the police hold an investigation into the allegation that the Juma'at was being financed by a foreign power?

A. We made an investigation into this allegation and found that no financial or other support had been given to the Juma'at by any foreign power. ✓

Q. When was Maulana Maudoodi arrested?

A. On 28th March.

Q. Who arrested him?

A. The Martial Law authorities.

Q. On whose suggestion?

A. The Martial Law authorities had some evidence with them and they also consulted the Punjab and the Central Governments.

Q. When did the "Qadiani Masala" come to your notice?

A. Probably in the first week of March.

Q. When you read the 'Masala', did you suggest any action in respect of it yourself?

A. No. The Martial Law had by that time been proclaimed and the Martial Law authorities themselves were contemplating some action.

Q. Who suggested the prosecution of Maulana Maudoodi for writing this pamphlet.

A. The Martial Law authorities of their own.

Q. Did you suggest any action for the publication of this "Masala"?

A. It was my opinion that portions of it were actionable and I expressed that opinion while dealing with the case.



Q. Do you know that one of the principles of the

Juma'at-i-Islami is not to do anything which is unconstitutional?

A. Yes.

Q. You have mentioned today that it was expected that the

Ahrar would sober down when other parties joined them.

Was Juma'at-i-Islami included in the "other parties"?

A. Yes. I might mention that Maulana Maudoodi was not

in favour of joining the movement in the beginning

but that later on he had to support the movement for political reasons.

Q. Did not the Maulana suggest, as one of the solutions

to the problem, that the demand relating to the

declaration of Ahmadis as a minority should be

acknowledged in the constitution?

A. The Maulana's attitude was that there was no use

making these demands independently and that first

an Islamic constitution should be brought about

which would automatically declare the Ahmadis

a non-Muslim minority.

Q. Did not the tempo of the agitation subside by reason of Maulana Maudeoodi's approach to the problem?

A. I do not think so.

Q. When was the ninth demand added?

A. After the All Pakistan Muslim Parties Convention in Lahore, probably in August 1952.

Q. Was the tempo of the agitation the same from August 1952 to the date of the publication of the Basic principles Committee report, as before?

A. My view is that the tempo of the agitation decreased after the firing in Multan, the arrest of the Ahrar leaders following the imposition of orders under section 144, Cr.P.C. and the submission of a public undertaking by the Ahrar leaders in June or July 1952.

To Court:-

Q. How long did this lull continue?

A. After the events mentioned by me, the Ahrar made Karachi the centre of their activities.

To counsel continued:-

Q. Did the Juma'at-i-Islami celebrate "Constitutional week"

towards the end of November 1952 appealing to the Constituent Assembly to take cognizance of the nine demands as formulated by Maulana Maudoodi?

A. Yes.

Q. Was a large number of signatures obtained in support of the nine demands?

A. Yes.

Q. In one of your reports you have inserted a paragraph under the heading "Mullaism". What did you mean by "Mullaism"?

A. By Mulla I mean a semi-educated person who misleads people in the name of religion and opposes all progress. (Again said) Even an educated person can be included in the category of Mullaism if he uses religion for an ulterior object and a mulla need not necessarily be a semi-educated person.

To Court:-

Q. Would you include Maulana Maudoodi among the Mullas in this sense?

A. No.



Q. And Maulana Murtaza Ahmad Khan Maikash?

A. Some of the articles written by him were written in the strain of Mullaism.

Q. Did you read his treatise against the doctrine of absolute private property in Islam as enunciated by Maulana Abul Ala Maudoodi and Mirza Bashir-ud-Din Mahmood Ahmad?

A. No.

To counsel continued:-

Q. Will you call Allama Iqbal a Mulla for his having attacked Ahmadis?

A. I confess I have not read Iqbal.

Q. From your written statement it would appear that you have no objection to an educated and intelligent class of Mullas?

A. Yes, I have. What I mean is that if the country is to be under the influence of Mullas, it is better that the Mullas should be educated and intelligent.

Q. Did any member of the Juma'at-i-Islami make any provocative speech during the anti-Ahmadiyya movement?

A. I cannot give you the name but several of them were

making speeches which were calculated to excite hatred against the leaders, the Muslim League, the Government, senior Government officers, clubs, non-observance of purdah, dancing and drinking.

Q. My question was whether members of the Juma'at-i-Islami made any provocative speeches against the Ahmadis?

A. They tried to make out that the Ahmadis were non-Muslims and should be declared to be a minority for that reason.

Q. Did you suggest any action against the Juma'at-i-Islami after July 1952?

A. Not against the Juma'at-i-Islami as such but I made some proposals in respect of the agitators in general.

To Mr. Yaqub Ali Khan by permission of the Court:-

Q. Was not after July 1952 a recommendation made to the Central Government that the Juma'at-i-Islami should be declared an unlawful association?

A. Yes. This was some time in February or March 1953.

To Mr. Nazir Ahmad Khan, Advocate, continued:

A. Did you suggest any action against Maulana Maudoodi?

A. No, but after the proclamation of Martial Law I did so.

Q. Is Juma'at-i-Islami the only anti-Government party?

A. No, there are several others.

To Court:

Q. Did you find the police inadequate to meet the situation?

A. Yes.

Q. Could you have been able to manage if more police had been available to you from the neighbouring Provinces?

A. Yes.

To Counsel contd:-

Q. If the Central Government had formulated a policy and the Punjab Government performed their duty to maintain law and order, do you think the movement would have taken the course that it did? ✓

A. In my opinion neither the Central nor the Provincial Government realised the seriousness of the situation.



Q. Did you ask for more police?

A. Yes.

Q. With what result?

A. Sind said it could not spare any police, while the Frontier Province said that it could only spare the Frontier Constabulary if I made a request to the Governor. I put the matter before our Governor and the Chief Minister, but they did not consider it necessary to ask for police from other Provinces. During the Shahidganj agitation, I know the police was successfully requisitioned from Bihar and U.P., in spite of the fact that the agitation was confined only to a part of Lahore.

Q. I put it to you that nobody knew the law relating to the requisitioning of the military?

A. Before the Partition there were some secret instructions about the use of military aid for civil power, which were withdrawn before the formation of Pakistan and new instructions were not issued in their place. Most of the military and civil officers were young and inexperienced and did not know the exact legal position. ✓

Q. Do you think if the military had come in full force to

the aid of civil power, the situation would have been controlled?

A. Yes.

Q. Why was not the military then requisitioned to the extent needed?

A. There were two reasons for this: firstly, the Government was anxious to avoid requisitioning of the army and, secondly, there was a feeling that the army would cooperate only if complete control was handed over to them.

Q. Why was the Government averse from handing over to the military?

A. Because it was apprehended that if the military were called in and placed in charge, there would be more bloodshed.

Q. Was anyone aware of section 129 of the Code of Criminal Procedure while discussing the question of asking for military aid?

A. Yes, and we acted according to that section. I know that the military were patrolling with the magistrates on the 3rd and 4th and the magistrates were aware of the provisions of section 129.

Q. Why did the military withdraw on the 4th?

A. The military should answer this question.

Q. Do you know why the military withdrew?

A. No.

Q. Did the military come in again on 4th?

A. Yes.

Q. Were the military seen on the 5th?

A. Yes.

Q. Under what law did you remove the volunteers and dump them away from Lahore?

A. It was a purely executive measure.

Q. Were you consulted by the Chief Minister before he issued the communique of 6th March?

A. There was no formal consultation, but I was at the Government House when the communique was drafted.

Q. Was your opinion taken in the matter?

A. No.

Q. Did you oppose the issue of the communique?

A. No. ✓

Q. If you had been consulted about the course taken, what would have been your opinion?

A. In the morning the S.S.P. suggested to me that there was great excitement because the public felt that their demands had not received any attention from ✓



Government and that no opinion of any kind had been expressed about them. He maintained that this was causing much bitterness and that a statement should be issued assuring the public that the Government was not apathetic and that it would look into the demands and give a speedy decision. I agreed with this view and produced the S.S.P. before the whole Cabinet, including the Governor and the Chief Minister. This was between 8 and 9 o'clock in the morning. The Senior Superintendent of Police reiterated his view before the Cabinet which earlier he had expressed to me.

To Court:

Q. How was this view received?

A. No remarks were made by anyone on that officer's views.

Q. Did His Excellency the Governor rebuke you for having expressed this view?

A. No. He said nothing of the kind.

Q. To the following question put to Mr. Chundrigar, namely, "Did it come to your notice that the I.G.P. and the S.S.P. went to the Chief Minister on the morning of the 6th March and represented that no amount of firing would be useful and that

there should be an appeasement of the public and a statement to that effect be issued by the Chief Minister"? He gave the following answer:-

"Yes. This was brought to my notice first by some officers of the army. Then I asked the Chief Minister about it. Then I asked the I.G.P. and the S.S.P. themselves. Originally they admitted having given this advice and when I took them to task, they said this was not their advice but that was the point of view of some people which they had communicated to the Chief Minister".

Q. Is this correct?

A. This is absolutely incorrect.

Q. How long after you had communicated your views to the Chief Minister was the communique of 6th March issued by the Chief Minister?

A. This incident, as I have told you, took place between 8 or 9 o'clock, while the communique was issued at about 12.30 p.m. Several things happened during the interval.

Q. Was the communique issued on your advice?

A. No.

Q. Did it conform to your suggestion?

A. No.

Q. What was the difference between your proposal and the terms in which the communique was issued?

A. Our view was that a statement be issued to assure the public that the demands made by them were receiving the earnest attention of Government and would be decided upon very soon, while the communique said (1) that Government supported the demands, (2) that Sir Muhammad Zafarullah Khan would be removed from the Cabinet and (3) that these views were being brought to the notice of the Central Government.

Q. Mirza Naeem-ud-Din, the Senior Superintendent of Police, has made no reference to this incident in his lengthy written statement. On the contrary, he has stated that he had offered to resign because the position was not being firmly dealt with by Government?

A. He must be wrong.

At the suggestion of Mr. Fazal Ilahi:

Q. Were you aware that a secret wireless message had been received from the Central Government in which that Government had defined its position in regard to the demands?

A. Yes. I knew it.

Q. When did you come to know of it?



A. This message was drafted in my presence in Karachi at a Cabinet meeting. In that message the Central Government expressed their own view but also directed that they did not wish that view to be made public, and that the Provincial Government should be guided by it.

Sd/- M.Munir  
President,

8th December 1953.

Sd/- M.R.Kayani  
Member.

Adjourned to tomorrow, the 9th December 1953, when the examination of this witness will be continued.

Sd/- M.Munir  
President,

8th December 1953.

Sd/- M.R.Kayani  
Member.

To

The Hon'ble Members of the Court of Enquiry.  
May it Please Your Lordships,

I respectfully beg to bring to your Lordships notice that in the record of the cross-examination of M. Anwar Ali Inspector-General Police (X) by me, there appear the following errors and ask your Lordships to please have them corrected accordingly:-

(1) In the record there is the following sentence:-

Q. You have referred to the incident in which the son of Maulvi Ismat Ullah was injured at Chak Jhumra in February 1951. Had this incident something to do with the agitation.

Instead of the word "agitation" I used the word "election".

(2) Again the following sentence appears in the record:-

Q. Were bricks thrown by an Ahmadia on a public meeting of the Ahrars held on February 15, 1953 on Nisbet Road.

Instead of the word Ahrar I used the word Majlis-i-Amal.

Pray that your Lordships be please to order the correction.

Yours obediently,

Sd/- Murtaza Ahmad Khan  
Maikash

Murtaza Ahmad Khan Maikash,

Representative Majlis-i-Amal.

Dated 15-12-1953.

9th December 1953.67th Sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M.R. Kayani,

Member.

.....

Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz  
Ali, for the Punjab Government.

Mr. Yaqub Ali, Advocate, for Mian Murtaz  
Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for the  
Jama'at-i-Islami.

Mr. Asadullah Khan, Advocate, assisted by  
Messrs: Abdur Rahman Khadim and Ghulam  
Murtaza, Advocates, for Sadr Anjuman  
Ahmadiyya.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-  
Ahrar.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

....

Statement of Mian Anwar Ali (Witness No. 126)

continued on 3.A.

CAMERA.Cross-examination by Mr. Nazir Ahmad Khan,



Advocate, on behalf of Jama'ate-Islami, resumed:-

Q. You stated yesterday that you gave your opinion on the situation to the Chief Minister on the 6th morning. Did this opinion show a change of heart or was it prompted by motives of expediency?

A. The opinion represented my genuine conviction because I believed that it was necessary for the Central Government to make some announcement of its policy. On that morning I felt the need for such an announcement all the more because I saw the state of excitement of the public.

Q. How did those who were present, take this proposal?

A. I produced the S.S.P. before the Chief Minister and the other Minister who were present. Several prominent citizens were at that time present in the Government House, including Nawab Muzaffar Ali Qizilbash, Mr. Ata Ullah Jahanian, Begum G.A. Khan, Begum Tasadduq Husain, Nawabzada Rashid Ali Khan, Chaudhri Abdul Karim, the ex-Mayor. The meeting was not a regular Cabinet meeting because persons other than Ministers were frequently coming and going to where the discussions were being held. I have already said that no remarks were made by anyone on the S.S.P.'s views.

Q. Was there a general panic in the Government House at that time?

A. The ladies among leaders, the orderlies and the clerical staff of the Government House were definitely panicky; the others were merely anxious.

Q. Did you attend the meeting at the Government House on the evening of the 5th?

A. Yes, the Chief Secretary, the Home Secretary and myself were present only during a part of the discussion.

Q. Who were the prominent persons present at that meeting?

A. Maulana Abul Ala Maudoodi, Mian Iftikharud Din, Nawabzada Mazhar Ali, Editor of the Pakistan Times, Mr. Hamid Nizami, Khalifa Shujaud Din, Khan of Mamdot, Mirza Ibrahim, a labour worker, Mr. Ahmad Saeed Kirmani and several others.

Q. Did the Governor ask them to issue an appeal for peace?

A. Yes. In fact a draft had been prepared before we went into the meeting.

Q. Was it your impression that these leaders were trying to settle old scores and nobody was bothering about peace in the city?

A: Yes, that was so.

Q: Did you see the draft prepared by Maulana Maudoodi?

A: After coming out of the meeting we came to know that

Maulana Maudoodi had been detained and had been working on some draft, probably at the instance of His Excellency the Governor or the Cabinet. I did not see this draft.

Q: Did anyone mention to you the contents of the draft?

A: This was a political matter and no officer was consulted or taken into confidence.

To Court.

Q: Do you know whether this document was produced before the Military Court which tried Maulana Maudoodi?

A: I do not know.

(Mr. Nazir Ahmad Khan, who defended Maulana Maudoodi at his trial by a Special Military Court, states that the memorandum in Maulana Maudoodi's own handwriting on which the final draft was based, was produced by him (Mr. Nazir Ahmad Khan) before the Military Court. Mr. Fazal Ilahi is directed to obtain this document from the Military authorities and to produce it before the Court. The final draft is stated



to be in the possession of the police  
 and Mr. Muhammad Hussain, Superintendent  
 of Police, C.I.D., is directed to produce  
 that document.)

To Counsel contd.-

Q. On the 5th evening, after the discussion with  
 the Cabinet and the Governor, did the Cabinet  
 issue an order to you that there was now peace  
 in the city and that firing should be stopped?

A. No. A meeting with public leaders was held in  
 the afternoon immediately after lunch and not  
 in the evening. The Cabinet and the officers usually met  
 in the morning and the evening. The meeting with the  
 public leaders started soon after lunch and went up to  
 about 2-30. I and the officers were not present at that  
 meeting, except that we were called in for a  
 few minutes. In the evening a meeting of the Cabinet  
 and the officers, both civil and military, was held  
 in the Governor's office. Among the officers who were  
 present were Mr. Alam, Malik Habibullah, the Chief Secretary,

the Home Secretary, myself, G.O.C., Brigadier  
Haq Nawaz and possibly some others. The Governor  
and all the Ministers including the Chief Minister  
were present. The Governor asked me as to the  
situation in the city. I asked Mr. Alam to give an  
account and he said that the last incident of lawlessness  
had taken place at about 2-30 p.m. and that after  
that nothing of importance had happened. This incident  
related to the setting of fire to a police vehicle.  
Until then the orders were that we were to disperse  
unlawful assemblies and use the maximum force. It was  
then decided that for technical offences, firing  
should not be resorted to.

To Court:-

Q. Were the words "let-up in the firing" used by anyone in that meeting?

A. Probably the Governor himself used these words. ✓

Q. ~~Do~~ you remember if he suggested that in view of the situation as it then existed, there should be a let-up in the firing? ✓

A. Yes.

Q. Is it possible that His Excellency the Governor was not present at that meeting or that even if he was present, this suggestion was not made by him?

A. I am definite that His Excellency was present and also that it was he who suggested relaxation in the firing. Possibly what he had in mind when he made that suggestion in the afternoon was the complaint of the leaders that there had been too much firing in the city. Even Mr. Riaz-ud-Din Ahmad, who was then Deputy Secretary, Finance, had written to the Home Secretary that there had been unnecessary firing at a certain place. ✓

Q. What did Maulana Maudoodi say in the after noon meeting?

A. He attacked the administration ruthlessly, condemned



the arrest of Ahrar leaders on the 28th and said that the firing was without justification and that what was happening amounted to a civil war between the Government on the one hand, and the public on the other. He made these remarks when he was invited to speak.

Q. Before Maulana Maudoodi spoke, had someone given a general account of what was happening in the city?

A. I gave an account of looting, arson and killing which had taken place that day.

To counsel contd:-

Q. Was the change in the Governor's attitude due to the discussion which he had with Maulana Maudoodi about the draft?

A. I do not know.

Q. Was the introduction of Martial Law discussed in the deliberations of the 26th at Karachi?

A. No.

Q. If the Central Government had clearly laid down its policy and the Provincial Government had been more vigilant in maintaining law and order in the

Province, is it your view that the police could have coped with the situation and the introduction of Martial Law would have been unnecessary?

A. Any situation, however difficult it may be, can be controlled if action is taken in time. In this case the Ahrar leaders were permitted to excite public feelings for a <sup>long</sup> ~~long-time~~ and false hopes were raised in the minds of these leaders and others that decisions favourable to them would be taken.

Q. Is it not a fact that till 2nd March 1953, no one except Maulana Maudoodi, raised his voice against the hooliganism that was going on in the city?

A. It is correct that Maulana Maudoodi and one or two other persons, probably editors of newspapers, issued a joint statement condemning the manner in which the demonstrations were being made. No other political party or leader issued any statement condemning the manner in which the agitation was being carried on.

Q. Is it your experience while you were in the Punjab that the approach of the Juma'at-i-Islami has always

been to settle national issues and problems by constitutional means?

A. Some of the things that they did were most unconstitutional; for example, (1) in 1948 Maulana Maudoodi issued a statement that it was un-Islamic to take an oath of allegiance to the State and this caused some trouble in the Secretariat where certain Government servants refused to take the oath of allegiance; (2) a pamphlet was issued in which it was said that it was not proper to join the armed forces of this country as long as the constitution of the country remained what it was, and (3) there was a fatwa by Maulana Maudoodi that if India attacked Pakistan, it would not be Jehad on the part of the public of Pakistan if they resisted the invaders.

Q. Was any action taken against Maulana Maudoodi in respect of all this?

A. He was ordered to be detained under the Public Safety Act.

Q. Were the Azad Pakistan Party and the Jinnah Awami League also supporting the demands?

A. Mr. Suhrawardy made a statement after the declaration of Martial Law that the demands should be canceled. In



Bahawalpur the branch of the Azad Pakistan Party gave funds for carrying on the agitation.

Q. Was any action recommended by you or taken independently against other leaders or parties?

A. No. After the Ahrar leaders were arrested, the Juma'at-i-Islami took the leadership of the movement into its own hands and began to issue pamphlets, handbills and do propaganda otherwise.

Q. Can you refer to any pamphlet?

A. Yes. Even after Maulana Maudoodi's arrest in the Punjab, a large number of posters, some of them inflammatory, were published in Karachi by the Amirs of the Sind and Karachi Branches of the Juma'at-i-Islami and broadcast all over the country, including the Punjab.

Q. Has any action been taken against these people in Karachi?

A. The Punjab Government recommended more than once that something should be done to stop the issue of literature from Karachi or some action should be taken against the persons responsible for it but no action seems to have been taken.

Q. Those losses were more, those of ~~the~~ general body of

Muslims, the Government or of the Ahmadis?

A. I had a statement prepared about this which must be

with the C.I.D.

Maulana Maudoodi was not one of the person who were ordered to be arrested on 27th February. Nor was any member of the Juma'at-i-Islami included in that list.

Q. Why were they not included in the list?

A. Because we were satisfied that the agitation had been started by the Ahrar and that their responsibility was, therefore, greater than those of the others. The list consisted almost exclusively of the Ahrar leaders.

Q. Were any of the Ahrar leaders tried by a military Court?

A. Most of them had been arrested before the agitation commenced.

Q. Did you advise action against Maulana Maudoodi merely because he and his Majlis-i-Shura issued a statement on the 5th of March?

A. No. This was one of the reasons. It is true, however, that the statement of Maulana Maudoodi did great harm on the 6th as the situation on that date was very tense.

Q. Were other Juma'at-i-Islami leaders arrested all over the Punjab at the same time on 28th March?

A. Yes, except those who by reason of taking active part in the agitation had been arrested earlier.

Q. You suggested action against the Ahrar first in 1950 and then in 1952. Why did you not take any action in



January or February 1953 when the agitation had actually started?

A. The issue was before the Prime Minister himself who was negotiating with the leaders. Nevertheless I did put up a draft letter to the Central Government in which I pressed that some decision should be taken and guidance given.

Q. You have said in one of your reports, dated 22nd

October 1952, that the Ahrar were feeling tired.

Was this tiredness not due to the fact that Maulana Maudoodi had added the 9th point to the manifesto of the Juma'at-i-Islami?

A. I do not see any causal connection between the two.

Q. Is Mr. Hamid Nizami an Ahmadi?

A. Yes, according to my information.

Q. Lahori or Qadiani?

A. Lahori.

Q. Did you issue a communique on the evening of 4th March 1953 that S. Firdaus Ali Shah had been shot dead?

A. I issued no such communique. The Radio Pakistan representative was there and, since there were bullet-shaped wounds on the deceased's forehead and chest, we thought that he had been shot by his own pistol which was missing. The Radio

Pakistan representative, without being expressly authorized to make a statement on our behalf, might have got that impression, namely, that he was shot rather than stabbed.

To Maulana Murtaza Ahmad Khan Maikash, for Majlis-e-Amal:

Q. Why were the faces of Ahmadi preachers in Okara blackened in October 1950?

A. Because anti-Ahmadiyya feeling existed in the locality.

To Court:

Q. Was it not due to the fact that the Ahmadi preachers had gone publicly to preach their creed in a non-Ahmadi locality?

A. I do not know.

To Maulana Maikash (continued):

Q. Is it not a fact that the propagation of Ahmadi creed causes offence to the general body of Muslims?

A. Yes.

Q. Was the Deputy Commissioner of Montgomery during the days of the Okara incident an Ahmadi?

A. Yes.

Q. You have mentioned an incident relating to the murder of an Ahmadi in Rawalpindi. Why was that Ahmadi killed?

A. The immediate cause was something else, but the fact that he was an Ahmadi had something to do with his murder.

Q. In January 1951 the Ahmadis held a meeting in Sialkot which lead to disorder. What was this disorder due to?

A. In those days the Ahmadis used to hold their tabligh meetings and those used to be disturbed by the Ahrar.



Q. Do you know that at that meeting an Ahmadi

made a provocative speech which caused offence to the general body of Muslims?

A. I do not remember.

Q. You have referred to the incident in which the

son of Maulvi Ismat Ullah was injured at Chak

Jhumra in February 1951. Had this incident something to do with the <sup>election</sup> agitation?

A. Yes.

Q. Have you referred to any provocation by the

Ahmadiis in your written statement?

A. I think I have stated that the Ahmadiis also held

some meetings which caused provocation.

Q. Do you mean that everyone who opposes the Ahmadiis

or Ahmadiyyat is a member of the Majlis-i-Ahrar?

A. No.

Q. Then why have you not said anything in your

written statement relating to the activities of

Majlis-i-Amal and the parties who organised the

Majlis-i-Amal?

A. The C.I.D. has a record showing how many members of the

Majlis-i-Amal who were not Ahrar, attended the

meetings of the Majlis-i-Amal.

Q. You have not even referred to the formation of the Majlis-i-Amal in your written statement?

A. Strings were being pulled by the Ahrar all the time.

Q. Were processions and meetings against the Ahmadis quite general in June and July 1952?

A. Yes.

The agitation against the Ahmadis was organised by the Majlis-i-Ahrar.

Q. Why did these processions and meetings suddenly start?

A. Because in April or May 1952 the Ahrar had taken a decision to finish Ahmadiyyat once for all.

Q. Was not this dissatisfaction due to a meeting of the Ahmadis held in Karachi in May 1952?

A. That meeting was one of the contributory causes.

Q. Why have you not made any reference to this meeting in your written statement?

A. Because I wrote this statement from Quetta and I was not permitted to record a full statement as I intended to do, before I left the Punjab.

Q. Do you know anything about the "Khuddam-ul-Ahmadiyya" ?

A. No.

Q. Did you receive a complaint during the disturbances that Ahmadis were firing at people from a jeep?

A. Yes. I heard a complaint to this effect. We

made thorough inquiries, but the allegation was not substantiated.

Q. Can subordinate police officers order firing?

A. Yes, but only in self-defence.

Q. Was your order of 5th March that only officers of the rank of Superintendents of Police or above were to order firing, based on the apprehension that subordinate police officials might fire without any justification?

A. My reasons for giving this order were firstly, to ensure that firing, whenever resorted to, was controlled, and secondly, that firing was conducted in an effective manner and not otherwise.

Q. How much patrolling did the police patrols under the command of Mr. S.N. Alam and Mr. Habibullah do on 5th March?

A. Among other areas, they patrolled the Mall and the Circular Road.

Q. Did they resort to firing?

A. Yes, each of them must have a record of this.

Q. How long were these patrols on duty?

A. For an hour or two.



Q. Were cases of arson and attacks investigated?

A. Yes. Some of the cases were actually put in Court.

Q. Did any member of Majlis-i-Ahwal advocate social boy-cott of the Ahmadis?

A. I do not know.

Q. Is Chaudhri Nazir Ahmad, S.P., who has prepared some of the reports, an Ahmadi?

A. He is not an Ahmadi. Master Tajuddin made this allegation, but had to apologise to him for it.

Q. Did you receive any weekly reports about the activities of the Ahmadis?

A. Yes, I received reports relating to all sectarian activities.

Q. What proof have you of the fact that the letters alleged to have been written by the Ahrar, which were intercepted by the police, were in fact written by them? They might as well have been written by the Ahmadis?

A. We always check up information which comes before us in the course of censorship.

To Court.

Q. Has Maulana Murtaza Ahmad Khan Maikash ever been a member of the Majlis-i-Ahrar?

A. I do not know, but his history sheet must be with the C.I.D.

To Maulana Murtaza Ahmad Khan Maikash contd.:-

Q. Was there brickbattling from Talim-ul-Islam College, which is an Ahmadiyya institution, on 16th February when the Prime Minister came to Lahore?

A. Yes. One non-Ahmadi was injured. I have already stated that the public had smashed the gate of the College during the incident.

Q. Is it a fact that Maulana Abul Hasanat and Master Taj-ud-Din deputed Sayyed Muzaffar Ali Shamsi to go and pacify people involved in the Talim-ul-Islam College incident?

A. I know nothing about it.

Q. Were bricks thrown by an Ahmadi on a public meeting of the Majlis-i-Amal held on 15th February 1953 on the Nisbet Road?

A. The incident is correct but I am not sure of the date.

Q. Is it correct that the leaders successfully controlled the audience which had been upset by the throwing of the bricks?

A. Yes.

Q. Is it correct that two Ahmadis who were arrested in connection with this incident were subsequently let off on the ground that they were insane?

A. I do not think this is correct.

Q. Is Abdul Karim A.S.I., who was concerned with the Gawalmandi incident, an Ahmadi?

A. I do not know.

Q. Are you an Ahmadi?

A. No.

To Mr. Yaqub Ali Khan counsel for Mr. Daultana:

Q. What was the religious controversy between the Ahrar, the Majlis-i-Amal and the Ahmadis?

A. The doctrine of Khatm-i-Nabuwat.

Q. You have referred in your statement to your note of 1950. What decision was taken on that note by the Government?

A. I think the Governor himself or the Chief Secretary issued a warning to the Ahrar leaders. I think the Governor also sent for some Ahrar leaders and talked to them.



Q. Did you have any discussion with H.E. or the

H.A.L. (Honourable Advisor for Law) about that note?

A. Not with H.A.L. though I had some discussion with H.E.

Q. Was your suggestion that the Ahrar be declared an unlawful body not accepted because it was an all Pakistan question?

A. By that time the movement had not gained momentum and I think the problem was then peculiar to Punjab.

Q. Could the Punjab Government alone declare the Ahrar an unlawful body?

A. Yes, under the Criminal Law Amendment Act.

Q. Do you think that the step you proposed, if taken would have been successful?

A. Yes, because the Ahrar were then an insignificant body; they had no popular backing and they were still on trial for their loyalty.

Q. Did any talk take place between you and H.E. about this part of your proposal? If so, what was H.E.'s view?

A. He was not in favour of taking any action beyond giving a warning to the Ahrar.

Q. What reasons did he give for his view?

A. I could not tell you.

Q. Did Government take stern action against the Ahrar

on the basis of your note dated 20th May, 1952?

A. Yes. An order under section 144, Cr.P.C. was

promulgated and all meetings of Ahrar and Ahmadis

were banned.

Q. With the imposition of the ban did not the venue of meetings shift to mosques?

A. Yes, this is correct.

Q. Were some arrests made for speeches made in mosques?

A. Yes.

Q. On this, was not an impression created that Government was interfering with religious freedom of the people?

A. Yes. Much propaganda was done on these lines. Even the Central Government asked for reports on the matter.

Q. Did the Central Government approve of the action taken by the Punjab Government?

A. In their letter they said they approved of it.

Q. Did you see the letter in which the Central Government required a report from the Punjab Government?

A. Yes.

Q. Did not that letter give the impression that the Central Government was not approving of the action?

A. I do not think the Central Government letter implied any disapproval.

Q. Was the order banning meetings of the Ahrar and the Ahmadis applicable to mosques?



A. Yes.

Q. What was your own view about this matter?

A. In a State where there is so much talk about religion

such an order could not remain in force for long without embarrassing the Government.

Q. Was the ban eventually lifted?

A. Yes.

Q. Was the ban lifted on the ground that it was not possible to enforce it in relation to mosques?

A. I think the Government made an announcement that it did not intend interfering with the exercise of religious observances in mosques. Even after the ban had been lifted discontent over Government's action continued and it was alleged that Government had interfered with the people's religious freedom.

Q. I put it to you again ~~if~~ the ban was lifted because it was not possible to enforce it in mosques?

A. This may have been one of the reasons, but I have no personal knowledge of it.

Q. Will you kindly recall that one of the grounds for lifting the ban was to enlist the support of the Ulama to denounce

lawlessness, because the Central Government had not formulated a policy with regard to the three demands?

A. The immediate reason for lifting the ban was that the Ahrar had apologised and had given an undertaking to keep the peace and also to protect the Ahmadis.

Q. Were there any acts of lawlessness after the Multan firing up to the end of February 1953?

A. Lawlessness is breach of any law, but no acts of violence, e.g. arson loot and attacks on persons, were committed during this period.

Q. What effect did the Central Government communique of 14th August have on the public mind in the Punjab?

A. <sup>It</sup> had no effect on the agitation. The impression created among the Ahrar and those disposed to them in a friendly way was that their viewpoint had been partially accepted and that further concessions would be made.

Q. Do you know what news the Ulama, who interviewed the Prime Minister in July or August in Karachi, brought to the Punjab?

A. They said that the Central Government would make an announcement on the 14th August to the effect that some of their demands would be conceded.

Q. In its issue of 4th August 1952, the "Zamindar"

published the news that the acceptance of the demands would be announced on the Independence Day.

This news was never contradicted by the Central Government. What effect did the Central Government's omission to contradict this news create on the public mind?

A. It raised hopes in the minds of the public in general and the agitators in particular.

Q. What was the effect of the Central Government's omission to do anything after the ultimatum was delivered to the Prime Minister?

A. I can only say that if any such thing had happened in the old regime, the Government to which such ultimatum was delivered would have taken immediate steps to apprehend the extent of the danger and to take steps for the purpose of meeting it and would have issued clear instructions to all concerned as to what was to be done in all phases of the agitation.

Q. Did not this indecision on the part of Government create an impression on the public mind that the demands were



going to be accepted and did it not add to the intensity of the agitation?

A. It infused more determination in the ranks of the agitators.

Q. Would you not have prepared your force better to meet the threat to law and order in the Province if instead of 27th February 1953 you had been informed earlier as to what was the attitude of the Central Government towards the movement and the demands?

A. Our task would have been very much easier and we would have better confidence.

Q. Would you have added to the police force?

A. The police force was at its maximum and we could not add to it.

Q. Were you called to the conference held at Karachi on 26th and 27th February 1953?

A. In the first conference, held on 26th February in Karachi, Mr. Ghias-ud-Din Ahmad and I were called in only for a few minutes and questioned about the strength and financial position of the movement. In the other conference held on the morning of 27th February, the discussions were at such a stage that no other decision, except to take action against the agitators, appeared to be possible.

Q. Why were you called?

A. The meeting held on the morning of the 27th February was a Cabinet-cum-officials meeting. When I was called in I was required to state a plan of action that was to be adopted in the Punjab. Thereupon I made my own suggestions.

Q. Were you asked by members of the Cabinet who had asked you to join that conference, to inform them as to whether you would be in a position to tackle the situation in the Punjab, and if so, what was your answer?

A. I said that we would tackle the situation as best as we could.

Q. Did you further tell them that although the situation in the Punjab was very grave and it was a very difficult situation of law and order, yet you would be able to control it?

A. Yes. We were confident at that time that we would be able to control the situation.

Q. Did you say that the situation was grave and difficult?

A. Yes. I also said that Government prestige was low and we would have to exert hard.

Q. Then why were you not able to control the situation?

A. We were not able to control the situation for the following reasons:-

(1) Maulana Abdussattar Niazi suddenly leapt into the field and took charge of the movement in



Labore. He made very exciting speeches. Maulana Abdussattar Niazi is a fire-brand and is in the habit of making intemperate speeches.

- (2) The false rumours which were spread deliberately by the agitators about (i) the desecration of the Holy Qur'an by the police; (ii) the exaggerated and false news about firing resorted to by the police; (iii) the news that the Ahmadis were shooting down non-Ahmadis; and (iv) the technique of which there is written proof and which was spread by Maulana Ghulam Ghaus Sarhaddi, in which he had given a scheme for obstructing work in Government offices and for organising hartals and making demonstrations.
- (3) General dissatisfaction among lower-grade Government employees and low-income earners caused by high prices and various other reasons. I would particularly mention here that never in the history of this country did the Secretariat clerks walk out, make a demonstration and show rudeness to the Chief Secretary, the Home Secretary and the Inspector-General of Police, as happened during these disturbances. Other Government servants in

the Telegraphs, Railway, Telephones and Accountant General's offices had also marched out. The Secretariat clerks had the temerity to give a written notice that they would remain on a perpetual sit-down strike until the demands were conceded and Sir Zafarullah Khan was turned out of the Cabinet.

- (4) Public feeling was excited over the issue of the honour of the Prophet for a very long time and great excitement was worked up.
- (5) Refusal of responsible public leaders and other gentlemen to appreciate the gravity of the situation and to assist the administration in suppressing disorder. Several of them were happy at Government's discomfiture.
- (6) The failure of the army to work in the manner in which it used to before the partition in aid of civil power. In this connection I definitely think that

the partition riots were much worse and more widespread, but they were controlled because the army took a very strong line.

(7) Inability of the Muslim League leaders to face the public. In fact, many Muslim League leaders were themselves joining the agitation in order to gain popularity.

(8) General apathy of the public. Everybody was quite happy as long as others were suffering. It was not until the 6th that a realisation came that nobody's honour and life could be safe, and then, for the first time, some public opinion in favour of suppressing the riots began to manifest it-self. The original attitude was that as long as the Government or the Ahmadis were suffering, it did not matter.

Q. What would have been the difference if the military had been taken into confidence before 2nd March?

A. I do not think it would have made any difference.

Q. In the conference held at the Civil Lines Police Station on the evening of 2nd March, did you or any other civil authority say to the representatives of the army that the army was needed merely to put up a show of force?



A. No. In the letter that we addressed to the military we told them that they were required for action.

This letter was drafted in the presence of G.S.O.I., who was representing the G.O.C.

Q. Is it a fact that throughout the disturbances up to the announcement of the Martial Law, the military did not fire a single shot?

A. I think that is the true position.

Q. The G.O.C. says in his written statement that troops were withdrawn to the Cantonment with the consent of the District Magistrate and the Senior Superintendent of Police on 4th March. Is that correct?

A. I do not know if the two civil officers mentioned gave their consent. On the evening of the 4th, when I went to the Civil Lines Police Station from the office, somebody brought it to my notice that the army had been withdrawn. The S.S.P. was there, but I do not particularly remember if it was he who brought this to my notice. The S.S.P. did not say that the military had been withdrawn with his approval. The Brigade Major

was also present and he also did not tell me that the S.S.P. or the District Magistrate had approved of the withdrawal. When it was mentioned to me that the troops had been withdrawn and I mentioned this matter to the Brigade Major, he said he would look into it and see that they were recalled.

Q. Is it correct that the withdrawal of the army on the 4th had an adverse affect on the situation?

A. Yes. ✓

To Court:

Q. Could you tell us what exactly the army was required to do in aid of civil power when the Home Secretary wrote his letter of the 2nd March to the G.C.C.?

A. My plan was that troops should be placed in four places namely, the Jinnah Gardens, the Kotwali, the Gol Bagh and the Minto Park, and the patrolling of the city should be carried out by them in armoured vehicles, bren-carriers and tanks on the main thoroughfares of the city. In the event of it becoming necessary for the troops to be used, a magistrate would ask them to deal with a particular situation, without handing it over to them. ✓

Q. The letter says that the number of troops, the period

for which they would be employed and the manner in which they would be posted would be communicated to the G.O.C. by the District Magistrate. Was any such communication addressed?

A. I do not know.

Q. On the 5th March one of the decisions taken by the Cabinet (Decision No.2) was that the police should take very strong action and use any amount of force that might be necessary to quell disturbances and that police patrols would be supported by military contingents under their own commanders. How were the troops to be employed?

A. The idea was that if in any particular situation the police failed, they would call in the army and ask them to deal with that situation.



Q. Would the army be right in making the allegation that they were not asked to take charge of any particular situation and that consequently they did nothing?

A. Yes.

Q. Is it within your knowledge that any particular situation was handed over to the army?

A. The District Magistrate told me that the army had not carried out specific orders given to them by the Magistrates. I asked him to make a report in writing. So far as I know, he did not make any report in writing.

Q. Did the District Magistrate give you any instances?

A. No.

Q. Is it correct that decision No.2 of the Cabinet implied that the army had to act on its own initiative under its own commander wherever it felt that the situation demanded its interference?

A. That was not my impression.

Q. Was it envisaged when the decisions of 5th March were taken that the army was also to act

independently, namely, without being accompanied by a Magistrate or police, go round and disperse by force unlawful assemblies?

A. No.

Q. Did the military in fact act independently?

A. No, not until the declaration of Martial Law.

Q. Were the military going round on patrols without being accompanied by the police before the decisions of the 5th?

A. Yes.

To counsel continued:-

Q. Then where is your grievance against the military which you have emphasised in your written statement?

A. The military created an impression that they would not do any shooting because their officers permitted themselves to be garlanded on some occasions when the police was being abused and insulted by the demonstrators by the display of their private parts. In one case a cinema poster showing a hero and heroine were respectively marked as the Sub Inspector of Gawalmandi Police Station and his sister, Muhammad

Hussain, S.P. and Agha Muhammad Ali told me

that they felt ashamed when in such circumstances the army officers bent their heads in order to be garlanded by the agitators. A suggestion was made on the night of 5th that in order to create confidence in the minds of police officers living in and near the walled area, troops should be placed in police stations, but the army commander declined to accept this suggestion.

To Court:-

Q. Was military available on 4th evening just after the murder of Firdaus Shah in Masjid Tazir Khan?

A. Yes.

Q. Why did not the police go to Masjid Tazir Khan where that officer was killed?

A. It was our impression that unless we took all precautions, there would be more casualties on the Government side because the streets were narrow, reinforcement was not easy to send and the population was generally over-excited.

Q. Could not you have taken the military with you?



A. Even the military found it impossible to go to the mosque until 48 hours after the declaration of Martial Law and then too after switching off electricity, cutting off water supply of the mosque and putting a barbed-wire cordon all round the mosque.

Q. Did not you think that the situation as it existed on the 4th justified the handing over of the mosque to the military?

A. No.

Q. Was not Masjid Wazir Khan the centre of the activities even on the 4th and was not Maulvi Abdus Sattar Nazki in that mosque then?

A. Yes.

Q. Had it not been decided to arrest him before the 4th evening?

A. Yes.

Q. If Masjid Wazir Khan had been surrounded by the army on the 4th evening and they had taken complete charge of the situation, what do you think would have happened?

A. Perhaps more bloodshed would have resulted. It did not occur to us then that Martial Law would be

declared two days later and that the army would then deal with the situation as it is suggested that it might have been dealt with on the 4th.

To counsel continued:-

Q. Did you and other officers have a conference with the Chief Minister on the night of the 4th?

A. We assembled to report the situation to him.

Q. What report did you give him?

A. I told him what had happened in the city that day and also that we were dealing with the situation quite effectively.

Q. When did you leave the Chief Minister's house?

A. At midnight.

Q..Did the Chief Minister again call you between 1 and 2 o'clock that night?

A. Yes. Other persons summoned were the G.O.C., his staff, Chief Secretary, Home Secretary and Malik Habibullah. I do not remember whether the District Magistrate and the Senior Superintendent of Police also were present there.

Q. Why did the Chief Minister resummon you immediately after you had left him?

A. Because his intention was to secure further help from the army.

Q. Was at that conference the scheme for cooperation of the police and the military discussed?

A. He said that details of how the military and the police were to cooperate were to be worked out by the civil and military officers among themselves.

Q. How long did the conference continue?

A. Till late because the G. O. C. and his staff officers took a long time to come.

Q. Did you not stay till 5 a.m. ?

A. I might have.



To Court:-

Q. Was it discussed whether the police and the military were to fire?

A. The details were not discussed.

Q. Was there an express permission from the Chief Minister to the civil authorities to fire?

A. Yes. We had fired earlier in the evening and our action was approved by him.

To Mr. Yaqub Ali Khan (continued):-

Q. Will you kindly recall that the Chief Minister was of the view that the army should lend full support including firing?

A. Yes, naturally.

Q. Were you present in the Cabinet meeting held on the morning of 5th?

A. Yes.

Q. Was this meeting presided over by the Governor and attended by the G.O.C., and high civil officials, as for instance, the Chief Secretary, Home Secretary, Mr. Alam, D.I.G. C.I.D., the D.M. and the S.S.P.?

A. Yes.

Q. Can you recall whether at this Cabinet meeting the Chief Minister expressed precisely the same view as he had done earlier when you had met him at his residence?

A. No. The discussion was confined to the situation as it existed that morning, and the measures which should be taken for dealing with it. Some other questions also were discussed.

To Court:-

Q. Were the decisions taken and recorded in Ex.D.B/239, completely in accord with what the Chief Minister had said earlier at his residence?

A. The question discussed at the Cabinet meeting were whether the situation, in view of what had happened, should be handed over to the army and, if so, in what circumstances, or should continue to be dealt with by the police singly or by the police with the help of the army.

To counsel (continued):-

Q. Was the situation on 5th worse than that on the 4th March?

A. Yes, definitely.

Q. Was more force needed on the 5th March?

A. Yes.

Sd/-M. Munir  
President

9th December 1953.

Sd/-M. R. Fayani  
Member.

Proceedings adjourned till tomorrow, the 10th  
December 1953, when examination of Mian Anwar Ali will  
be continued.

Sd/-M. Munir  
President

9th December 1953.

Sd/-M. R. Fayani  
Member.

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Copy of the telegram dated the 13th December,  
1953, from Anwar Ali, Multan Cantt; to the Hon'ble  
Chief Justice and Chairman Commission of Enquiry,  
Lahore.

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305/SK/T/53 ABOUT STATEMENT WHICH I VOLUNTEERED  
LEAVE IT TO YOU TO DECIDE WHETHER TO TREAT IT SECRET OR  
OTHERWISE.

---

10th December 1953.

68th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir, :

Chief Justice,

President,

Hon'ble Mr. Justice H. R. Fayani, Member.

Member.

-0-0-

Mr. Fazal Ilahi, Advocate, assisted by Mr.

Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by

Mr. Abdul Aziz, Advocate, for Mian Mumtaz  
Muhammad Khan Daultana.

Mr. Abdullah Khan, Advocate, assisted by :

Messrs. Abdur Rahman Khadim and Ghulam  
Murtaza, Advocates, for Sadr Anjuman  
Ahmadiyya Rabwah.

Mr. Fatah Muhammad Aziz, Advocate, for  
Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Saeed Malik, Member, Juma'at-i-Islami, in person.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

Statement of Mian Anwar Ali (Witness No:126)

CAMERA:

continued on S.A. :-

Cross-examination by Mr. Yaqub Ali Khan Advocate, on behalf of Mian Muntaz Muhammad Khan Daultana, resumed:

Q. Were the decisions taken on the morning of the 5th preceded by a discussion regarding the mode in which the military were to be employed?

A. Yes. ✓

Q. Did the Chief Minister, in the course of that discussion, express the opinion that more use should be made of the military?

A. Yes, and this was also the view that I expressed. ✓

Q. Did the Chief Minister also suggested that the military should function independently under its own commanders?

A. Not in so many words, but he did say that the military were to be used more. ✓

Q. Were the military moving under their own commanders on the 5th? ✓

A. Yes.

To Court:-

Q. Without their being accompanied by the police or magistrates?

A. I could not answer that. The D.M. should know it. ✓



To Counsel contd.-

Q. Do you know that on that day the military came across several mobs of rioters but did not disperse these mobs?

A. I cannot say whether the army patrols actually came across riotous mobs. The position, however, on that day was that there were riotous mobs all over the city and since army patrols were moving about, they must have come across these mobs. It is a fact that the army did not shoot or disperse any unlawful assembly on that day.

Q. Did this state of inaction continue till the proclamation of Martial Law on the following day?

A. Yes. But on the 6th we were anxious to avoid shooting because of its being a Friday. A large number of people were collecting in the city at different places to go to mosques for their prayers and we did not consider it advisable to shoot them.

Q. Mr. Chundrigar has stated in his evidence that you complained to him that the military were not cooperating and that there were occasions when the military should have fired. Is this correct?

A. Yes. I did make some such complaint.

Q. Were any minutes of the conference that was held in the evening of the 5th kept by Malik Habibullah?

A. Yes. He took some rough notes.

Q. Is Ex.D.3.231 that rough note?

A. Yes.

Q. Does it correctly represent what was decided in that conference?

A. Yes.

To Court:-

Q. How long after the dispersal of the conference with the citizens did the conference of which this rough note was recorded, take place?

A. The evening conference was held just after sunset. The afternoon conference had dispersed before 3 p.m.

Q. Does this note say anything about a let-up in the firing?

A. It states that His Excellency said that in case of ordinary technical violation of curfew no action should be taken. This decision modifies the decision of the morning according to which the maximum force was to be used. ✓

To Counsel contd.-

Q. To what extent does it modify the morning decision?

A. It is obvious from the terms of the decision.

Q. Does this decision not mean that the decision of the morning to fire at riotous mobs indulging in acts of violence stood and that firing was not to be resorted to only where there was a technical breach of the curfew?

A. The decision of the evening was taken because during the day there had been firing even on such unlawful assemblies as were not actually indulging in acts of violence, except that they refused to disperse.

To Council contd.-

Next morning at about 7 o'clock the Ministers, including the Chief Minister, were present at the Government House. H.E. the Governor was also there. As time went on, more officers and prominent citizens came in.

Q. Did you at that time have any talk with U.C.M. or other members of the Cabinet?



A. I have already said I produced Mirza Nasraddin before the H.C.M.

Q. Did Mirza Nasraddin say that it was no use using more violence and that some political approach should be made to deal with the situation?

A. No. What he said was what I have already stated above, namely, that the public was getting more excited because the Government had not even considered the demands about which they felt so strongly and that, therefore, more use of force was likely to create further excitement.

Q. Were any further instructions given by His Excellency or the Cabinet to you?

A. Neither His Excellency nor anyone of the Ministers gave me any further instructions.

Q. Who determined the policy of the 6th March to the effect that because of that day being a Friday there should be no unnecessary firing?

A. It was our policy and Government approved of it.

Q. What do you mean by "our policy"?

A. I meant the policy adopted in consultation with the Home Secretary, the Chief Secretary, the District Magistrate and local Police and C.I.D. officials.

To Court:-

Q. In your written statement you have said: "In the afternoon another Cabinet meeting was held presided over by the Governor at which the situation was reviewed. According to the reports which were made, the last incident of lawlessness had taken place at 2.30 p.m. This concerned an attack on a police party and setting fire to a police vehicle. The Cabinet decided that as no incident had taken place and the city had become calm, firing should be avoided as much as possible". Does not this portion of your statement refer to the conference that was held in the evening at which the notes of the proceedings were taken by Malik Habib Ullah?

A. The time of the conference given in my written statement is incorrect. In fact the reference in this portion of my statement is to the meeting that was held at about

sunset time the notes of the proceedings of which were taken by Malik Habib Ullah.

Q. The reason that you have given in this note for the let-up in the firing is that since no incident had taken place and the city had become calm it was decided that firing should be avoided as much as possible.

Is that correct?

A. Yes.

To counsel (continued):

Q. What did you mean when you stated in your written statement that "firing should be avoided as much as possible"?

A. I meant that in the meeting of the evening it was decided to use more discretion in the matter of firing.

Q. Did you give an account of the day's events at the conference held on the evening of the 5th March?

A. Yes.

Q. Did you in that account state that the situation in the city had improved and that the last incident of lawlessness had taken place at 2.30 p.m.?

A. Yes. The situation had improved to this extent that no incidents had taken place after 2.30 p.m.

Q. Was the situation on the evening of the 5th March such as made it necessary to hand it over to the military?

A. No.



Q. Did any serious incident take place on the night of the 5th March?

A. None as far as I can remember. In one or two cases the curfew order was defied.

Q. Were the police and the military both on duty on that night?

A. Yes. The police were patrolling though the army was static. The situation on the morning of the 6th was ominous.

Q. Was it so bad that it deserved to be handed over to the military?

A. As the day advanced we began to have that feeling.

Q. Did you yourself get that feeling that it had become necessary to make over to the military?

A. At about 11 o'clock I stated to the G.O.C. and Brigadier Kallu that the police would not be able to hold the Civil Lines area and I feared that murder of officials might start which the police would not be able to control. I, therefore, told these two officers to make immediate arrangements for protecting the Civil Lines area.

Q. When you told the G.O.C. that you would not be able to hold the Civil Lines, did he agree to take over the situation in accordance with the fourth decision taken on the morning of 5th March?

A. The G.O.C. and Brigadier Kallu both went away immediately to the Cantonment to draw up their plans.

Q. Did then the military take over at your suggestion?

A. No. What happened was that when we returned to the Government House about an hour or so later the G.O.C. gave us the impression that he had contacted the G.H.Q. and also the Defence Ministry at Karachi and that some decision about Martial Law had already been taken. When I spoke to the G.O.C. at 11 o'clock about the Civil Lines I was not thinking in terms of Martial Law. What I had in mind was the need and use of more troops.

Q. Was your view that the military should be ready to protect the Civil Lines based on the 4th decision taken in the morning of the 5th?

A. Yes.

Q. May I put it to you that during the period 27th February to the afternoon of 6th March, no proposal or suggestion was put up to the Chief Minister for meeting the situation of law and order in the Province and in the city of Lahore by any officer including yourself which was not accepted or turned down by him?

A. Yes, that is correct.

Q. Was on your return from Karachi on the 27th February, a decision taken that if volunteers leave for Karachi, information should be sent to Karachi and Sind Police in order to arrange for detaining them en route?

A. Yes. This decision is included in Ex.D.T.240

(annexure J to Home Secretary's written statement).

Q. Did you on 1st March issue the instructions contained



in Ex.D.E. 241 (annexure K to the written statement of S.P. Sialkot)?

A. These instructions were issued by the D.I.G., C.I.D., apparently under the orders of the Government.

To Court:-

Q. How are such instructions communicated to D.Ms. and S.Ps?

A. The usual practice is that instructions to D.Ms. are issued direct by the Home Secretary or the Chief Secretary, as the case may, while the same instructions are communicated to the S.Ps. through the I.G. or the D.I.G., C.I.D.

To counsel continued:-

Q. Did the instructions of 1st March, Ex.D.E.242, (annexure P to Home Secretary's written statement) to the effect that firm action should be taken to prevent the volunteers from coming to Lahore, come to your notice?

A. Yes.

Q. And the instructions of 4th March, Ex.D.E.243, (annexure P.1 to Home Secretary's written statement) to the effect that all S.Ps. and Range D.I.Gs. should in the first instance, use persuasive methods to

prevent volunteers from proceeding to Lahore or Karachi and if these methods failed, appropriate preventive action was to be taken?

A. Yes. I saw also these instructions.

Q. You telephoned to the D.I.G. Multan on the 2nd of March to say that if persuasive methods failed, the volunteers were to be allowed to proceed to Karachi. Did you think that if they were permitted to proceed to Karachi, they would be arrested en route?

A. Yes.

Q. Did you expect them to be arrested in the Punjab or in Sind?

A. Not in the Punjab because the instructions were that they were to be permitted to proceed to Karachi. That meant that they were to be arrested by the Sind or Karachi police.

Q. Did you ever receive information that apart from the two batches one of which was detained at Ledhran and the other which had reached Karachi, any more volunteers left from the Punjab and reached Karachi?

A. No.

Q. The G.O.C. in his written statement says that "although it had been decided at the Cabinet meeting

by His Excellency the Governor of Punjab on 5th March, 1953, that the police should take very strong action by using any amount of force that may be necessary to quell the disturbances, yet in practice the police were unable to do so". Is this correct?

A. I do not think these remarks are correct. We were able to use force and by the afternoon of the 5th, we had succeeded in stopping all lawlessness.

Q. Did the police ask military patrols to accompany them on the 5th?

A. This is a question which the District Magistrate or the S.S.P. should answer. The G.O.C. made no complaint to me that the police did not ask the military to accompany them.

Q. The processions commenced on the 28th February and the order under section 144, Cr.P.C. banning them was not made before the 2nd March. Why did you not suggest action under section 144 earlier?

A. The threat to start direct action related to Karachi and not to Lahore and it would have been abortive to introduce it before we had any justification for such a step. The processions which had gone on on the 28th



of February and the 1st of March were obedient and fairly orderly. They committed no act of violence; shops were open on the 1st and other activities were going on as usual. The need for promulgation of an order under section 144 was felt only on the 2nd when the procession under the leadership of Maulana Akhtar Ali Khan behaved in a disorderly manner.

To Court:-

- Q. When was the question of enforcing an order under section 144 first discussed?
- A. Immediately after the procession of the 2nd March had been dispersed. A decision was taken there and then.
- Q. Should we take it that nobody thought of any sort of action under section 144 before the 2nd of March?
- A. We had such a course in mind but did not consider it necessary before the 2nd.
- Q. Why was not section 144 applied to the walled city?
- A. It is an accepted principle that no order should be issued which is not capable of proper enforcement. An order prohibiting an assembly of more than five persons or even prohibiting meetings cannot be

enforced effectively inside the walled city. In 1934, when I was an A.S.P., during the Shahidgang agitation the police were brickbatted and completely isolated in the walled city. After that the I.G. issued orders that we should never attempt to stop any procession or deal with it inside the walled city.

Q. Who was the I.G.?

A. Sir John Stewart.

Q. If you feel an order in respect of the town necessary but are unable to see that order enforced, is not a case for handing over to the military made out?

A. The military will face the same difficulties.

Q. Should we take it that so far as the walled city is concerned in a situation of this kind the military and the police are both helpless?

A. If such an order is essential, it should be enforced in a part or parts of the city and not in the whole of it, because in that case the difficulties in its enforcement would be comparatively less.

Q. How did the military deal with the city during the Martial Law?

A. The military could control the situation because there were more troops, and greater fire power and they are not answerable for their action as the police is.

Q. When processions began to be taken out, did you not feel that in the ordinary course they would lead to violence?

A. It was the opinion of the officers concerned that such a contingency, though not unlikely, would not arise for some time, at any rate.



Q. Why did you not ban the processions from the very start?

A. The banning of the processions is done by the District Magistrates and as we used to meet every day and discuss the situation, no officer felt that such a step was necessary. Processions in Lahore are taken out quite frequently and Government does not take a serious view of processions.

Q. How would the situation have been affected if processions had been banned from the very beginning?

A. It is difficult to guess. The movement was not under proper leadership. It was in the hands of irresponsible persons, and, therefore, it is not safe to predict what course the movement might have taken. There was no plan of action, and the situation was changing from day to day.

Q. Were the processions not banned in the beginning because you apprehended that the banning of such processions would make the situation worse?

A. This was one of the reasons underlying our decision.

Q. Will you tell us how the situation would have been worsened if processions had been banned from the very beginning?

A. A large number of volunteers had collected in Lahore awaiting instructions to proceed to Karachi and pledges of sacrificing their lives had been taken from them. There was also public excitement and the stoppage of processions from the very beginning might have caused provocation and irritation.

Q. Could section 144 be employed in the districts to stop volunteers and their sympathisers from entraining for Lahore or Karachi?

A. No.

Q. As a matter of law?

A. No, but because of practical difficulties.

To Counsel contd.-

Q. What were the practical difficulties?

A. In an agitation of this nature it is always easier if it is localised. If every district or other places are made the scene of the agitation, it becomes impossible to deal with it.

Q. You say in your written statement that the military were in the town but that they did not disperse any

unlawful assembly. Is that correct?

A. Yes.

To Court:-

Q. Throughout the period?

A. Yes.

To Council contd.-

Q. Were there occasions when they should have acted but when they did not?

A. Particulars of these could be given by the District Magistrate, the S.S.P. and the other officers, but according to my information and knowledge there were occasions when they should have acted and they failed.

Q. The G.O.C. has stated in his written statement that the policy adopted by the Punjab Government allowed no scope for the army to take an effective action until the declaration of Martial Law. Is it so?

A. Unfortunately the army were of the view that they should take complete control of the situation and it is true that the Punjab Government did not allow them to take complete control. The military did not at all



like to work in a position subordinate to civil authorities. I am not aware of any obstruction caused to the activities of the military. ✓

Q. You will recall that at a conference held on 24th December, 1952, between yourself, the I.G. Police, the Home Secretary and the Chief Secretary, your proposal to impose a ban on Sayyed Ata Ullah Shah Bokhari under the Public Safety Act was rejected, but it was decided that action should be taken against everyone under the ordinary law. Was any such action taken?

A. No. I have already said that prosecutions are initiated by District Magistrates.

Q. Did any S.P. or D.M. or Commissioner, apart from D.M., Sialkot, report any case for prosecution under section 153-A, Section 295-A or section 124-A, from July 1952 to February 1953?

A. I am not aware of any such report.

Q. Were the papers relating to prosecutions suggested by the D.M., Sialkot, placed before the H.C.M.?

A. They must have been placed before the Home Secretary who must have passed the orders himself or taken orders from the H.C.M. I cannot say whether the H.C.M. actually saw these papers.

Q. Did Master Tajuddin complain to you that while he and other members of his party were at liberty to interview the Prime Minister at any time, members of the Punjab Government denied access to them?

A. Yes, he did say this.

Q. How did the talk of an Islamic constitution and the easy access of the Prime Minister to the Ulama affect the services?

A. The talk of Islamic constitution in the form in which it is carried out, had damped the enthusiasm of a large section of senior Government servants who are otherwise patriotic, capable and loyal. The repeated interviews by the Ulama with the Prime Minister did create a feeling that the demands, which could not be made in a civilised State, were going to be conceded either wholly or partially.

To Court:-

Q. Is it out of a possible rivalry with the Ulama that the talk of an Islamic constitution has damped the enthusiasm of a large section of senior Government servants?

A. No.

Q. Why should any talk about an Islamic constitution damp the enthusiasm of the senior officers?

A. Because the services feel that the country will remain backward and poor and will not make any progress.

To Counsel contd.-

Q. Were the three demands based on religion and did they on that account affect the efficiency of the services?

A. The demands professed to be based on religion, but there were several parties who knew that they were essentially political and wanted to make capital out of them. Because the demands professed to be religious, it had become a delicate matter for the services to take any action which could be misunderstood as opposing the demands.



Q. Earlier in your statement you said that the Government was against the requisitioning of the military. What did you mean by this?

A. What I meant was that more troops were not asked for because it was the intention that the police should carry on without the military taking over.

Q. Was the decision, not to let the volunteers proceed to Karachi, applicable to Baluchistan?

A. Yes.

Q. Do you know that the Baluchistan Administration did not implement this decision?

A. Yes. The Agent to the Governor-General told me that if he had carried out this order and stopped the volunteers, the whole of Baluchistan would have gone aflame. ✓

Q. Were the instructions regarding the volunteers given to you by the H.C.M. on the 2nd March, oral or written?

A. They were oral.

Q. Who communicated the H.C.M.'s instructions to you?

A. Mr. Zakir Qureshi, his Private Secretary.

Q. Did you ever have any talk with the H.C.M. about this matter?

A. He reported to him that his orders had been carried out.

To Mr. Abdur Rahman Khadim: (By permission):- .....

Q. Did the Jama'at-i-Islami support the demands in July 1952?

A. I do not think so, but they sent their representative to the All Muslim Parties Convention held in Barkat Ali Muhammadan Hall.

Q. Did the speech of Maulana Maudoodi, dated 30th January 1953, Ext.D.W/244, reported in the "Kausar" of 1st February 1953, come to your notice?

A. Yes. It did come to my notice but not through the "Kausar".

Q..Did you take any action on it?

A. I do not remember, but I must have taken some action.

Q. Do Ahmadis believe in peaceful propagation of their religion?

A. Yes.

Q. Did the explanation of the khutba, Ext. D.W/245, contained in the "Alfazi" of 23rd December come to your notice?

A. I heard about it but I did not see it.

Q. Did you yourself read the earlier khutba of 17th December 1952 before proposing action against it?

A. I read the offensive portion of it.

Q. Were the feelings running high when the "Qadiani Masala" was published?

A. Yes.

Q. Did what it said about the Ahmadis inflame the feelings of people further?

A. Yes.

Q. Did Ahmadis hold any public meetings in 1951-52?

A. I do not think they could hold any. In fact, no such meeting was held.

Q. Did you read the judgment of the High Court in the case of the murder of an Ahmadi school teacher of Okara?

A. No.

Q. Who set fire to the buses and caused other damage to Government property?

A. The details can be given by the S.S.P. In some cases the culprits were not found.

Q. Was it ever reported to you that an Ahmadi set fire to the buses and caused other damage to Government property?

A. No.

Q. Do you know that the boy, who threw stones from an Ahmadi Building on the Nisbet Road, is a lunatic?

A. I do not know.

To Mr. Fatch Muhammad Aziz (By permission):-

Q. How did you say that Hamid Nizami is an Ahmadi of the



Lahori sect?

A. I heard it from persons other than Hamid Nizami. ✓

To Mr. Fazal Ilahi (By permission):-

Q. Was the decision about the volunteers taken in Karachi communicated to districts?

A. The decision about the volunteers was incorporated in the draft which the Home Secretary and I drafted on the 27th and put up to the Chief Secretary for approval. To avoid delay, on the 1st March wireless signals were also issued.

Q. When did the letter issue?

A. I do not know. It was issued from the Civil Secretariat.

Q. Look at the proceedings of the meeting held at the house of the Chief Minister on your return from Karachi, Ex.D.E. 246, and say why it contains no direction that volunteers leaving Lahore should be arrested by district officers in the Punjab?

A. This means that if any volunteers got through, they were to be arrested out of the Punjab. It does not mean that they were to be allowed to proceed to Karachi.

To Court:-

Q. Is it correct that the Ahrar were hoping that if the demands were rejected all Muslims would come into their camp against the Government?

A. I have already said that the object of the Ahrar was to rehabilitate themselves politically and they thought that this was a method which would embarrass Government and increase the Ahrar's popularity.

To Mr. Fazal Ilahi contd.-

Q. Are you quite sure that no serious incidents took place after 2-30 p.m. on the 5th till the morning of the 6th?

A. The information that no serious incident had taken place between 2-30 p.m. and the time of the meeting was given to me at the meeting by Mr. Alam, D.I.G., Lahore. About later incidents, if any took place, I did not get information as they were probably not considered by the officers concerned to be serious enough.

To Court:-

Q. Was a dog, according to your information, paraded in Kasur with the name of Chaudhri Muhammad Zafarullah Khan on his collar?

A. Yes.

Q. You have said that the Ahrar leaders were released some time in July 1952. Did anyone of these Ahrar leaders, namely, Master Tajuddin, Sheikh Musamuddin, and Sahibzada Faizul Hasan, take any active part in the agitation, as for instance by making provocative speeches, up to 27th February 1953?

A. I think they were making anti-Ahmadiyya speeches in public.

Q. What was the Muslim League's attitude regarding the



movement? Did it sympathise with it actively?

- A. No Muslim League leader came out to oppose the movement. In fact, a large number of Muslim Leaguers, including Muslim League M.L.As. and Councillors, openly aligned themselves with the agitators. We arrested a number of Muslim League M.L.As. and Councillors under the Public Safety Act.

The police was the only branch of public service which did not do anything by way of demonstration or otherwise show its sympathy with the agitators, in spite of the acute strain to which they were subjected by way of appeal to their religious sentiments.

- Q. Were the then Inspector-General and you yourself of the opinion that if the agitation was not controlled in its early stages it would be impossible to control it later?

- A. Yes.

- Q. Was the Prime Minister used to be given some epithets?

- A. The Prime Minister used to be given the following

epithets in speeches as well as other demonstrations:-

"Bhuke Bengali", "Chattu-watta", "Tel ka Yuana",

"Kachhu-ghurra", etc.

Sayed. Ataulah Shah Bokhari once described him in his speech with the remark: "Budhullaheen-a-Ahmadheen".

Q. When the Kotwali was besieged on the night of the 5th were the besiegers shouting any slogans?

A. Yes.

Q. What were these slogans?

A. I was there on the morning of the 6th and heard the following slogans: "Pakistan Army Zindabad", "Shahi Police Zindabad", "Punjab Constabulary Murdabad".

Q. Why were you excluded from the conference on the afternoon of 5th?

A. My feeling is that the Government wanted to have some political discussion with the leaders in the absence of the officers. The public leaders there were openly criticising the Government.

Q. Was any shooting done by the police after the decisions taken at the conference on the evening of the 5th up to the proclamation of Martial Law on the 6th?

A. Yes.

Q. Please give these instances?

A. At the Kotwali on the morning of the 6th the police fired a number of times.

Q. To kill?

A. One man was either killed or injured.

Q. How many rounds were fired?

A. I do not know.

Q. Any other firing by the police during this period?

A. I do not remember.

Q. Any casualties during this period?

A. I do not remember.

Q. It has been stated that the police were completely demoralised after instructions in pursuance of decisions taken in the conference that was held on the evening of 5th were communicated to police officers. Is that correct? Did the police in any way feel embarrassed?

A. The police were not demoralised, but they were beginning to show signs of strain and fatigue because of having remained on duty without relief for a long time and also because the agitation was not showing any signs of decrease.

Q. It has been suggested that the police did not act by reason of the decisions taken on the evening of the 5th, whereas in the absence of those decisions they should have acted. Is it correct?



A. This is not correct.

Q. What was the effect of the Government proclamation of the 6th?

A. So far as the public were concerned, the reactions were varied. Some people were satisfied and happy that the Government's announcement amounted to an acceptance of the demands, and if they continued the agitation, they would be fully accepted. The police was not sure after this whether it could act with firmness or not.

Q. Was there any serious incident between the time of the proclamation and the taking over by the military?

A. The military were not effective till late in the afternoon. There were some serious incidents. Most of them related to attacks on Ahmadis about which information was being received in police stations.

Q. When was the proclamation actually issued?

A. The proclamation was broadcast over the radio at about 1 o'clock. Some posters were also dropped by air some time in the afternoon.

Q. Was there an indication of the police officers showing sympathy with the demands?

A. I have already stated that we had information to this effect, but no incident took place in which any regular policeman sided with the agitators openly or went into their camp. Even if five constables had gone to the side of the agitators the consequences would have been most disastrous. One of the biggest achievements of the police is that in spite of very acute strain and provocation they remained loyal and continued to perform their duty.

Q. Did it not present to yourself a real possibility that by reason of the religious nature of the issue the policemen might prefer to disobey authority?

A. Yes. It was to counter this tendency that I myself and other senior officers were constantly moving out and inspiring confidence amongst the rank and file. We also took steps to ensure that firing would not be carried out by officers junior in rank to S.Ps. On the 5th, we pressed upon Government the necessity of an announcement to the effect that land would be granted to the dependants of Sayyed Firdaus Shah and saw to it that an announcement to this effect was made immediately. I also

got the Government to sanction a daily allowance for giving refreshments to the police on duty.

Q. Was this possibility also present in the case of the military?

A. Ultimately in the case of the soldier also this possibility would have arisen.

R. O. & A. S.

Sd/- M. Munir  
President

10th December 1983.

Sd/- M. R. Kayani  
Member.



Witness has volunteered the following statement to the Court.

(This statement is not to be released to the Press)

...

The Punjab Police have high traditions of efficiency, discipline and loyalty. These traditions were maintained after the partition even in spite of the general deterioration in the administrative machine. The C.I.D. was vigilant and faithfully reported all that was going on and clearly emphasised the dangers that lay ahead. The task of the C.I.D. is to collect intelligence and to put it before the Government. It not only performed this duty efficiently but made concrete suggestions for dealing with the menace from time to time. On the executive side whatever orders were given were carried out even at peril to life. During the disturbances the strain both physical and moral upon the Police force, particularly the lower ranks, was very acute. The Police force was inadequate to deal with disturbances of this magnitude. Officers and men in some cases were on duty continuously for twenty four hours. They had to come back on duty after very brief periods of rest. No reserve force was available to provide reliefs.

The disturbances were most unprecedented. The entire population including government servants had become involved. The issues were delicate and aroused fierce and violent emotions. It is a pity that the issues were allowed to gather so much strength without being solved one way or the other. It is very gratifying that despite the acute strain, the Police force remained unaffected. No Police officer of the regular force went over to the side of the agitators or disobeyed orders. Even if a few Police officers had gone over to the side of the agitators, the consequences would have been too horrible to imagine. One of the main achievements of the Police is that in spite of the sustained propaganda of the agitators, unlike government servants of other departments, they remained loyal to the government. This excellent Police force will not remain what it is, if it is made to face such situations again.

The immediate responsibility for maintaining law and order is that of the District Magistrate and the Commissioner. Senior officers such as the Chief Secretary, the Home Secretary, the Commissioner, Hon. Ministers and H.E. the Governor were in touch with the situation. Whatever orders were given were obeyed. Discussions at meetings used to be free and advice and criticism was always welcome. I now notice that attempts are being made by officials and



others to shift responsibility, and blame is being placed upon this or that officer. It is most unfair at this stage to disown joint responsibility for the administrative action. It is easy to be wise after the occasion and to say that the situation should have been handled in this and not that manner. The appropriate time to give such an opinion was during the consultations which used to be held at the time. I am sorry that persons holding very high office have tried to shelve responsibility and have tried to blame others.

There was indecision and a certain amount of apathy towards the issues both on the part of the Central and Provincial governments. The demands concerned issues which embraced almost the entire population. Politicians failed to realise the gravity of the situation and by their inactivity helped to add fuel to the fire. There was a tendency to avoid displeasing the public even at the cost of ruining the administration. The Ahrar and with them their mischievous sectarian propaganda would have been suppressed without difficulty if action had been taken in time. The movement was allowed to get out of hand before it was decided to strike. It was not fair to the executive machine and particularly the Police force to create a situation in which all the odds were against government forces. Is it



fair in these circumstances to pillory the Police for failure which was the result of apathy and the tacit support of the political party in power, the leading politicians and even statesmen in power?

The Police officers worked to the best of their ability and judgment. They were all keen and loyal. They did not flinch in face of difficulties. Some of them may have been inexperienced but they constituted the best material that exists in the Punjab Police. The Police which has been accused to have been demoralised in certain quarters, successfully controlled the situation in all districts of the province except Lahore without having to resort to Martial law. The Governors of provinces before the partition used to be not politicians but trained and sound administrators who had immense prestige. Their advice was available in all difficult situations. They could resolve differences when they arose between the Army and the Police without embarrassing any party. The art of administration can only be learnt with experience.

One last word about the politicians. They were playing with fire when they were arousing religious feelings of a fanatical population. All political parties including the Muslim League, tried to make political capital out of the

situation. No politician had the strength to say that the demands were unreasonable; on the other hand they all placed themselves at the crest of the agitational wave. To secure political advantage, the politicians in this country do not consider any weapon too low. They do not care if the administration collapses or the honour of an opponent is destroyed as long as they can secure a political advantage. Their one aim is to bring down the governmental structure. They are not interested in what happens next.

The problems which faced the administration during the disturbances, namely, (1) how to secure the maximum cooperation between the civil and the military forces, (2) how to avert a mutiny of the civil servants, and (3) how to build and fortify the morale of the services which is rapidly going down, still stare us in the face. If a situation similar to that of March 1953 arises again, the same difficulties will be experienced perhaps in an aggravated form. If the country is to be saved, these questions should have found an answer. Politicians have once again become involved in other issues.

7th December 1953.65th Sitting.

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,  
 Chief Justice, President.

Hon'ble Mr. Justice M. R. Kayani, Member.  
 .....

Mr. Fazal Ilahi, Advocate, assisted by Mr.  
 Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian  
 Mumtaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by  
 Mr. Abdur Rahman Khadim, Advocate, for  
 Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Fatah Muhammad Aziz, Advocate, for  
 Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the  
 Majlis-i-Ahrar.

Mr. Ghias Muhammad, Advocate, for the Juma'at-  
 i-Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,  
 Majlis-i-Amal, in person.

-o-o-

WITNESS Witness No:127 (Called by Juma'at-i-Islami)

Mr. I. I. Chundrigar, states on S.A.-

I was Governor of the Punjab during the  
 disturbances.



Q. Could you please recollect that on 5th March you called a conference of leaders in order to think of ways and means for restoration of peace?

A. A conference was called on 5th March in the afternoon on the suggestion of the Hon'ble Mr. Chathha, which suggestion was supported by the Cabinet in order that the leaders of Lahore may be requested to make an appeal for peace and to exert their influence for restoration of law and order.

Q. Was Maulana Maudoodi one of the persons invited?

A. The invitations were extended by Mr. Chathha and Maulana Maudoodi was one of the invitees who attended the meeting.

Q. Did you in that meeting address the audience and make an appeal to them for the restoration of peace?

A. Yes.

Q. Is it correct that Maulana Maudoodi also was one of the persons who addressed the meeting?

A. Yes.

Q. Do you recollect the substance of the speech made by Maulana Maudoodi?

A. Yes.

Q. What did he say?

A. The Maulana's attitude was that public feelings on the issue were very excited. Neither he nor the other people present there would be in a position to exert their influence for the restoration of peace, nor could they dare do so in that atmosphere, unless some declaration were made by Government as a result of which they could go and make an appeal to the people. ✓

Q. What was to be that declaration?

A. He suggested that the Hon'ble the Prime Minister should be requested to receive a deputation from among those who supported the demands and that it should be open to the members of the deputation to publish what transpired at the interview. ✓

Q. Was the declaration also to be to the effect that the Government should call popular leaders to think over the matter and that in the meantime the disturbances should be stopped?

A. To the best of my recollection, his suggestion was what I have already stated.

Q. Do you not definitely recollect the suggestion mentioned in my question?

A. According to my recollection the suggestion mentioned in the first part of the question was not made, but the second part was to follow as a consequence of the suggestion which I have mentioned before.

Q. Is it correct that Maulana Maudoodi made a draft of the declaration on a sheet of paper bearing the initials of the Government House?

A. He made several drafts because he was not definite in his own mind.

Q. Was the draft ultimately prepared by him approved by you?

A. No. The draft was settled by Maulana Maudoodi and Allama Alauddin Siddiqui. That draft constituted the suggestion of Maulana Maudoodi. It was the final draft so far as Maulana Maudoodi's suggestion was concerned. This was not agreed to by me. What Maulana Maudoodi wanted me to do was to communicate his suggestion to the Prime Minister and it would be for the Prime Minister to accept or reject the suggestion.

Q. Did the participants of the meeting approve of the draft?

A. The draft was ready about three-quarters of an hour after the dispersal of the meeting. There was,



therefore, no question of having it approved by the meeting.

Q. May I take it that Maulana Maudoodi and Allama

Siddiqui stayed back after the dispersal of the meeting?

A. Yes. They and a few other persons stayed behind.

Q. Did you agree that the draft should be communicated

to the Prime Minister as Maulana Maudoodi's suggestion?

A. I agreed only to this limited extent. It was to be stated expressly to the Prime Minister that this was Maulana Maudoodi's suggestion.

Q. Did you also agree that the draft should be

announced on the radio in the evening?

A. This is not true.

Q. Could you say what happened to the draft?

A. I think Maulana Maudoodi left it behind and I

communicated his suggestion to the Prime

Minister the same evening. In fact, I communicated

it soon after the draft was handed over to me.

Q. In the course of his speech, did Maulana Maudoodi

say the following :-

"بد امنی کی یہ حالت حکومت کی اس غلطی کی وجہ سے پیدا ہوئی ہے کہ اس نے عوام کے مطالبات کو ویر کوئی وجہ بتائے شکر دیا ہے ایک جمہوری نظام میں

عوام اس طریقے کو برداشت نہیں کر سکتے۔ اگر حکومت ان مطالبات کو نہ ماننے کے کچھ منقول وجوہ پیش کرتی۔ تو اس ملک کے عوام کچھ ایسے سر پھرے نہ تھے کہ وہ خواہ مخواہ دنگے فساد پر اتر آتے۔ لیکن اس نے سمجھنے اور سمجھانے کی کوئی کوشش نہ کی اور بس بیوقوفی عوام کے منہ پر ان کے مطالبات مار دئے۔ اس کے بعد لوگوں میں غصہ پیدا ہوتا ایک قدرتی بات ہے۔ اور اب اس غصے کو فرو کرنے کیلئے آپ کی ہارڈر پولیس لوگوں پر اندھا دھند گولیاں برس رہی ہے۔ ان حالات میں آخر امن کی اپیل کیسے کارگر ہو سکتی ہے۔ امن تو اب دوسری طریقوں سے قائم ہو سکتا ہے۔ یا تو طاقت سے اپنی قوم کو زبردستی دبا دیجئے جس کیلئے آپ کو ہماری مدد کی ضرورت نہیں ہے۔ آپ کے پاس کافی پولیس اور فوج موجود ہے۔ یا اپنی قیام کر راضی کر کے امن قائم کیجئے۔ جس کی واحد صورت یہ ہے کہ آپ آج رات کو ریڈیو پر اعلان کیجئے کہ وزیراعظم صاحب عوام کے مطالبات پر گنتیوں کرنے کیلئے تیار ہیں۔ اور میں آپ کو یقین دلاتا ہوں کہ چوبیس گھنٹے کے اندر امن قائم ہو جائے گا۔"

A. A part of it was said by him, a part was not said.

Q. Could you indicate which part was not said by him?

A. Instead of the following:-

"امن تو اب دوسری طریقوں سے قائم ہو سکتا ہے یا تو طاقت سے اپنی قوم کو زبردستی دبا دیجئے جس کے لئے آپ کو ہماری مدد کی ضرورت نہیں ہے۔ آپ کے پاس کافی پولیس اور فوج موجود ہے۔"

What he said was: "Now there is a civil war between

Government and a section of the people". When I asked ✓

him, "If there is a civil war on which side you are?"

he refused to answer the question and passed on to

other subjects. Also, as I have already stated, he

did not say that the declaration should be announced on the radio. The portion side-lined in red at pages 34-35 of Ex.D.E.233 is correct in substance, but now he has put it in better form. His idea was that the Hon'ble Prime Minister should receive a deputation to discuss the demands. I told him that the Prime Minister had received a very large number of deputations and had never refused to receive any. On the other hand, there was a complaint that he had given too much time to several deputationists who had merely been reiterating what had been said before.

Q. Could you kindly state what was the reply of the Hon'ble Prime Minister?

A. The Prime Minister told me that he had already received a telegram from Maulana Haideedi and two others on the 4th of March, making the same suggestion and that he had already caused a reply to be sent that peace should first be restored and that only then would he be prepared to discuss fully all the aspects of the question. The Hon'ble Prime Minister told me that there was nothing new in his suggestion and that the old reply



stood.

Q. Would you agree with me that if you had taken the public into confidence and told them that you were thinking over the matter, this would have helped in the restoration of the peace?

A. This was not a new problem which had arisen suddenly. Government was thinking over the matter; Government was in touch with public opinion and the public was aware of it. The deterioration of the situation was due to the launching of the 'Direct Action', and, in my opinion, at that stage, the situation would not have improved if such a declaration had been made. The statement issued by Mr. Daultana on the 6th March did not improve the situation, and any declaration made by Government would have met with the same fate.

To Mr. Yagub Ali Khan, counsel for Mr. Daultana:-

Q. Do you remember if a meeting was held on the 26th of August at Murree between yourself, Mr. Daultana and Khwaja Nazim-ud-Din?

A. Yes. It was not a formal meeting but we did meet and discuss matters.

Q. What did you discuss and what was said by Mr. Daultana and yourself?

A. Both Mr. Daultana and myself impressed upon the Prime Minister the necessity of defining the attitude of the Central Government about the demands and of making an announcement about it.

Q. Did you indicate to the Prime Minister as to what would happen if the Central Government did not define its attitude towards the demands?

A. We told the Prime Minister that the Muslim League and other sober sections could not carry on any counter publicity so long as the attitude of the Central Government was not known, that feelings were running high that it had been necessary to resort to firing in Multan in July and that the

situation was likely to deteriorate if an early decision were not taken.

Q. Will you recall the discussions which you had with the Chief Minister before you proceeded to Dacca in the month of February 1953 for attending a Governors' conference?

A. Some time before the conference, I was asked by the Centre to suggest items to be placed on the agenda of the conference. I invited some suggestions from Mr. Daultana and this was one of the items which he suggested and which I wished to be included in the agenda. This item was ultimately not included in the agenda because it was believed that these were matters more appropriate for the Central Cabinet to discuss than for the Governors' conference.

Q. Did you have a talk with the Prime Minister when he came to Lahore on 16th February?

A. Yes.

Q. What did you say and what was the Prime Minister's reply?

A. I told the Prime Minister that the ultimatum given by the Majlis-i-Maul was due to expire on the 22nd



of February and that in the absence of a clear-cut policy to be adopted by the Central Government, the direct action movement, if launched, would result in great loss of life as it was impossible for Muslims to remain peaceful when feelings are excited on a religious issue. He said that he was carrying on negotiations with the Ulama of various schools of thought and was hopeful of arriving at some settlement as a result of which the threat of direct action would perhaps not be put in force. He further stated that in case he failed to achieve this result, he intended to call an ijma' of the Ulama of the whole Muslim World to advise the Government on this issue and he expected that in the meanwhile situation would calm down.

To Court:

Q. Did he indicate to you what settlement he expected with the Ulama?

A. I formed an impression that he expected certain sections of the Ulama to forbear from supporting the direct action movement. He thought that because a difference of opinion existed, the direct action

threat might not materialize.

To counsel continued:-

Q. Do you remember a Cabinet meeting held on the 5th March at about 11 o'clock attended also by the General Officer Commanding and high civil officers?

A. Yes.

Q. Do you remember if in that meeting the Chief Minister said that the Army was to be used merely for show of force and was not to be actually employed for restoring law and order?

A. I think there was a long discussion on the subject and as a result of it we arrived at decisions Nos. 2, 3 and 4. Before we reached these decisions, the controversy was whether use of force at the earliest stage would ultimately save more lives. I narrated to them my experience of riots in Bombay and Ahmadabad and told them that any reluctance to use force against unlawful assemblies bent on mischief created a wrong impression among the rioters and at a later stage more lives were lost and that whenever force was used at the earliest stage, the situation was brought under control with minimum loss of life and property. Several

people put forward different suggestions and expressed their views. I have no definite recollection what Mr. Daultana said on this point, but some persons at the conference did express the view that firing had created resentment and bitterness among the people and should not be resorted to and that a mere show of force would bring the situation under control. Ultimately everybody agreed with me that force should be used at the earliest stage.

Q. Did Mr. Daultana express the view that the situation must be handled firmly?

A. I have no recollection at this stage of what views were expressed by different persons at earlier stages because there was a difference of opinion in the beginning but ultimately everybody agreed with my view.

Q. Do you recall that, after decisions Nos. 2, 3 and 4 were taken, it was made clear both to the police and the army that they had to use full force?

A. Yes.



Q. Was any Cabinet meeting held on the evening of 5th March?

A. No. The only Cabinet meeting held was in the morning.

Q. It has been stated in evidence before this Court that at a meeting of the Cabinet held in the evening of 5th March, it was suggested by you and some of the Ministers that there should be a let-up in the firing?

A. It is all wrong. No Cabinet meeting was held in the evening. Therefore, there could be no talk about any let-up in the firing.

Q. Please look at Exhibit D.E.231, which purports to be a rough record of certain decisions taken at 6-30 p.m. on 5th March in a conference attended by the Chief Minister, the members of the Cabinet, the Home Secretary, the Chief Secretary, the G.O.C., the Inspector-General of Police, Brigadier HsQ Nawaz, D.I.G. Lahore Range, Brigadier Kallu and yourself. Can you recollect if the situation was discussed and the decisions taken as mentioned in this document?

A. I have no recollection of any such meeting being held.

According to my recollection, Maulana Maudoodi and others, who had stayed behind after the meeting of the leaders called that afternoon, offered their maghrib prayers. They were preparing the draft referred to before in my evidence and probably they left at about 6.30 p.m. Thereafter I got in touch with the Prime Minister and in between I have no

recollection of any meeting being held. I may also say that the draft-minutes of the meeting held in the morning of 5th March were put up to me for approval, but that no minutes of the alleged meeting held in the afternoon were ever put up to me.

To Court:-

Q. Was there not even an informal meeting held in the evening?

A. I do not recollect.

Q. Does it mean that no suggestion was made by anybody in your presence as to any relaxation in firing?

A. Yes.

It may be that the Punjab Cabinet met in some part of the

Government House and took that decision. There was some discussion in the morning relating to technical breaches of the curfew order. When we took the decision, somebody put a question as to what should be done if an individual were found passing on a road in breach of the curfew order and I made an observation that the practice in such cases was not to fire at him but to arrest him and the decision to take very strong action did not mean firing at such a person.

Q. Did it ever come to your notice that there had been any relaxation in firing?

A. No case of actual relaxation came to my notice. Complaints were, however, received by me that some police officers,



particularly those who lived inside the walled city had been finding themselves in a very embarrassing position when they were called upon to fire. It is possible that such officers might themselves have been remiss in firing.

To Counsel.

Q. Am I correct in recalling that none of the public leaders was prepared to issue an unqualified statement to the people of Lahore for maintaining law and order or assisting Government to maintain law and order?

A. All of them were afraid of losing their popularity if they came out with an unqualified appeal for restoration of peace.

To Mr. Fazal Ilahi, on behalf of Punjab Government:-

Q. What did the Prime Minister say when you discussed the situation with him in Murree on 26th August?

A. The Honourable Prime Minister stated that he would like to discuss the situation with the Ulama again before formulating his policy. He also stated that he would like to carry on these discussions in the presence of Sirdar Abdur Rab Nishtar. Sirdar Abdur Rab Nishtar was to leave on that

very day, the 26th August, for the Haj pilgrimage. He told me that after the return of Sirdar Abdur Rab Nishtar from Haj, he would call the Ulama, try to arrive at some formula acceptable to all and do his best to reach an early decision. He also mentioned that a meeting of the All Pakistan Muslim League



Council was to be called at Decca and that he would attempt to get the formula endorsed by that meeting.

Q. Is it not a fact that the Prime Minister was of the view that thought the demands were not acceptable, if such a declaration were made it would afford opportunity to the agitators to excite the masses?

A. He did not express any such view on the 26th August. In my presence this view was expressed by him for the first time on 16th February 1953 in Lahore.

To Court:-

Q. Did Khwaja Nazim-ud-Din ever tell you that this was essentially a law-and-order problem and that it could be dealt with without accepting or rejecting the demands forthwith?

A. He said, without reference to these demands, that if a law-and-order problem arose it would be for the Provincial Government to tackle it, but he did admit that enunciation of the Central Government's policy one way or the other or the indecision of the Central Government on this issue would affect the law-and-order position.

Q. You said that it was made clear to the police and the army that they had to use full force. Does decision No.(2), where it says that the Police should take very strong action using any amount of force that may be necessary to quell disturbances and that Police patrols will be supported by Military contingents under their own Commanders, imply that the military contingents were also to use force?

A. Yes, if necessary, but they were to act under the orders of their own commanders. The commanders themselves were to use their own discretion under the general directions given by the G.O.C.

To counsel (continued):

Q. Were not all the army officers, including the G.O.C., suggesting to you on the 5th and 6th March that the civil authorities were not tackling the situation and that if law and order were to be restored, the situation might be handed over to the military?

A. I think it was on the 6th March that the G.O.C. said something to this effect. What he said in substance was that the situation had deteriorated to such an extent that if peace were to be restored with the minimum loss of life and property, the situation should be handed over to the military. Incidentally, there was an implied complaint that the police were not dealing with the situation firmly.

To Court:-

Q. Did the police complain that the military were not cooperating with them?

A. Yes. There was a complaint by the police that the military did not place their men at their disposal in the numbers they wanted. To that the G.O.C. replied that whenever any request was sent by them he had placed all the force at his command for the help of the police.

To Counsel (continued):-

Q. Generally speaking, you were acting only as a constitutional Governor and not attending every Cabinet meeting?

A. I have told you that on the 5th March I attended only the morning meeting of the Cabinet. That was the only Cabinet meeting which I attended during the Daultana Ministry.

Q. Did the Chief Minister consult you when he released the Ahrar leaders in July 1952?

A. No.

To counsel (By special permission):

Q. Did Kh. Nazir Ahmad of the "Civil & Military Gazette" see you in February or March 1953? If so, did he tell you that Mr. Daultana was in the hands of bad advices?

A. He came to me on the 16th of March. On the morning of the 16th, Kh. Nazir Ahmad first went to the G.O.C. 10 Div. requesting him to provide him with an escort to go to Rawah.



The G.O.C. rang me up and said that his jurisdiction, as Martial Law Administrator, was confined to Lahore and that he was not in a position to provide an escort to Kh. Nazir Ahmad up to Rabwah. He had, therefore, advised Kh. Nazir Ahmad to see me and discuss the question. Thereafter, Kh. Nazir Ahmad came to me and told me that he had met the Prime Minister at Karachi on the 3rd or 4th of March and had admitted his advice regarding a statement to be issued by Mirza Bashir-ud-Din Mahmud Ahmad for narrowing down the differences between the Ahmadis and non-Ahmadis. He further told me that he had also seen the Foreign Minister who had approved of his idea of going to Rabwah but had stated that he would not speak to the head of the Ahmadiyya community one way or the other regarding his mission. He came to me and said that I should provide an escort to take him to Rabwah and bring him back to Lahore. I asked him whether he had seen the Chief Minister about it, because I was a constitutional Governor. Then he made certain complaints against Mr. Daultana. I had seen Kh. Nazir Ahmad only twice before this and it would be absurd to suggest that I would tell him that the Chief Minister was in the hands of bad advisers.

Q. Did Mr. Hamid Nizami ever see you in connection

with the activities of the Public Relations Department?

A. Yes. He saw me twice or thrice. Every time he complained

against the attitude of the Public Relations Department.

Mr. Mazhar Ali Azhar for the Majlis-i-Ahrar (By permission):

Q. Did either of the two officers, the I.G. Police or

the G.O.C., complain to you that the other of them

was not enforcing decision No.2 of the Cabinet meeting

on the morning of the 5th March?

A. The G.O.C.'s complaint against the I.G. Police was

that the police had become demoralised, that their officers

were afraid of reprisals against those members of the

Police Force who lived in the city and that the I.G. Police

was not quite sure whether he could rely fully on the loyalty

of his men. When I put this to the I.G. Police, he admitted that

he could not fully rely on the loyalty of his force

on this issue and he was of opinion that sooner or later

the control of the situation would have to be given over

to the army.

To Court:-

Q. Was there ever an apprehension that the loyalty of the army would be affected by an appeal to their religion?

A. A faint suggestion was made to this effect by the I.G. Police when on the morning of the 6th some handbills were circulated to the armed forces, appealing to their religious sentiments. Some of the handbills were on paper which originally belonged to the Ordnance Depot of the army. When I asked the G.O.C. about this apprehension and these pamphlets, the G.O.C. told me that he was fully confident that the army would remain loyal and discharge its duties faithfully.

Q. Did the incident that the military was garlanded by the mob, come to your notice?

A. It was mentioned to me by the I.G. Police. I put it to the G.O.C. He admitted that at least one instance of that type had occurred and he had warned his officers and men not to accept garlands. The G.O.C.'s own view was that some leaders of the movement were intentionally trying to create a rift between the police and the army by the use of such methods and he would issue strict instructions to his men not to fall into the trap.



The I.G.P. told me that he had received the fullest help from the G.O.C. whenever he asked for it, but some of his officers who were in charge of the patrols, did not fire at the mobs when in the judgment of the I.G.P., they should have fired. This was brought to the notice of the G.O.C., who inquired into the matter and I was satisfied by his explanation that at the places where these things were alleged to have occurred, there was no need to fire.

Q. Was it reported to you that in some cases the military was greeted by the mobs with shouts of "Pakistani Fauj Zindabad" and "Shahi Fauj Zindabad"?

A. Yes.

Q. Did it come to your notice that the I.G.P. and the S.S.P. went to the Chief Minister on the morning of the 6th March and represented that no amount of firing would be useful and that there should be an appeasement of the public and a statement to that effect be issued by the Chief Minister?

A. Yes. This was brought to my notice first by some officers of the army. Then I asked the Chief Minister about it. Then I asked the I.G.P. and the S.S.P. themselves. Originally they admitted having given that advice and when I took them to

task, they said that was not their advice but that was the point of view of some people which they had communicated to the Chief Minister.

Q. Did it come to your notice on the 6th that the I.G.P. had asked the G.O.C., behind your back and behind the back of the Cabinet, to take over control of the situation?

A. No. It did not come to my notice from any source.

To Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-Amal:

Q. Did some officers of the Central Government come to Lahore from Karachi on 9th March?

A. Yes. Col. Iskandar Mirza, Defence Secretary, Mr. Aziz Ahmad, Cabinet Secretary, Mr. Kazim Reza, (and I am not sure about Mr. Ikram though he did come some time,) came to Lahore on the evening of 8th.

Q. Did these gentlemen send for the prominent people of Lahore to discuss the situation with them?

A. Yes, but I do not know the people who were invited as I was not present there.

Q. Did you broadcast a speech on the Radio on 21st March?

A. Yes.

Q. Is Ex.D.E.232 a reproduction of that speech?

A. Yes.

Q. Please look at the sidelined portion of this speech and say to whom do the words "other parties" refer?

A. What I wanted to mean by this was that originally the movement was started by the Ahrar but that when public enthusiasm was whipped up and some short-sighted people thought that the movement was going to succeed, I found in the meeting of the 5th March that almost every opposition party wanted to take advantage by showing its sympathy so that they might get a part of the credit for the success of the movement.

To Court:-

Q. Was the Juma'at-i-Islami included in this reference?

A. Yes.

R.O.&A.C.

Sd/- M.Munir  
PRESIDENT.

7th December 1953.

Sd/- M.R.Kayani  
MEMBER.



Witness No. 128 (called by the Punjab Government):

Mr. Muhammad Sarwar, late of "Afaq", now Staff Writer,  
Ministry of Information and Broadcasting, Pakistan Government,  
Karachi, on solemn affirmation:-

To Court:-

Q. What were you in the "Afaq" ?

A. I was the editor of the "Afaq" from 1948 to June 1952,  
when I left this paper.

Q. Did the "Afaq" write any articles in connection with  
the anti-Ahmadiyya movement?

A. No such article was written during my time.

Q. What was Mir Nur Ahmad's connection with the "Afaq" ?

A. His son was on the staff of the paper.

Q. What was he?

A. Advertisement Manager.

Q. Who appointed him?

A. Myself.

Q. At what salary?

A. I think it was Rs.400/- per month.

Q. What were his special qualifications for the post?

A. I do not know.

Q. Did you appoint him yourself or at the instance of some

one?

A. I was asked by Mir Nur Ahmad to take him as Advertisement Manager.

Q. Why did you accept his request and pay his son such a large salary when he had no special qualifications?

A. I had to carry out the orders of Mir Nur Ahmad who virtually controlled the "Afsq".

Q. How did he control the paper?

A. In or about June 1952 Mir Nur Ahmad placed with me an order for the purchase of my paper to the tune of Rs.42,000/-. It was he who converted the paper from a "weekly" to a "daily". The paper was virtually controlled by Mian Mumtaz Muhammad Khan Daultana and Mir Nur Ahmad held himself out to be Mr. Daultana's agent.

Q. What was Mian Mumtaz Muhammad Khan Daultana's connection with the paper? How did he acquire this control on the paper?

A. When the "Afsq" was converted into a "daily", the majority of shares were sold through Mir Nur Ahmad and

all along we considered Mir Nur Ahmed to be acting merely on behalf of Mr. Daultana. Mir Nur Ahmed said that whatever he was doing in connection with the paper, he was doing on behalf of Mr. Daultana.

To Mr. Fazal Ilahi, on behalf of Punjab Government:-

Q. Who paid the price of the shares which were sold to

Mir Nur Ahmad's son Mir Muhammad Iqbal?

A. Mr. Daultana himself.

Mir Nur Ahmad had the directorate of the paper changed in 1951 on the ground that he had instructions to that effect from Mr. Daultana. Mir Nur Ahmad was all in all in the management of the paper. Whenever any important step had to be taken, Mir Nur Ahmad said that Mr. Daultana wished it that way.

Q. How many shares did Mian Zahur Ahmed have in the "Afaq"?

A. I do not remember now. Mian Zahur Ahmed was the managing director of the paper.

Q. How was he made the managing director?

A. Under the orders of Mir Nur Ahmad.

Q. Did he say that Mr. Daultana wanted Mian Zahur Ahmed to be made the managing director?



A. Mir Nur Ahmad said that Mr. Daultana desired that

Mian Zahir Ahmad should be made the managing director of the paper.

Q. Did Mir Nur Ahmad contribute any articles to the paper?

A. Yes.

Q. Did you ever have any interview with the Chief

Minister in connection with the affairs of the newspaper?

A. Yes, several times.

Q. Why did you meet him?

A. We did not like several steps which we had to take

under the directions of Mir Nur Ahmad and had to

complain about them to Mr. Daultana. Mr. Daultana said

that he did not like what Mir Nur Ahmad had been

suggesting and that he (Mr. Daultana) would tell

Mir Nur Ahmad accordingly. Nothing, however, used to happen.

10th December 1953.

PRESIDENT.

Sd/- M.R. Kayani  
MEMBER.

Adjourned till tomorrow when the examination of Mr.  
Ghulam Sarwar will be continued.

Sd/- M. Munir  
PRESIDENT.

10th December 1953.

Sd/- M.R. Kayani  
MEMBER.

11th December 1953.69th Sitting.

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M. R. Kayani,

Member.

-:0000:-

Mr. Fazal Ilahi, Advocate, for the Punjab  
Government.

Mr. Yaqub Ali Khan, Advocate, assisted by  
Mr. Abdul Aziz, Advocate, for Mian Muntaz  
Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by Mr.  
Ghulam Murtaza, Advocate, for Sadr Anjuman  
Ahmadiyya Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the  
Majlis-i-Ahrar.

Mr. Fateh Muhammad Aziz, Advocate, for  
Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Saeed Malik, Member, Juma'at-i-Islami, in  
person.

Maulana Murtaga Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

Statement of Mr. Muhammad Sarwar (Witness No: 28)  
continued, on S.A.-

To Court:-

Q. Who managed the "Afaq"?

A. A joint stock company.

Q. Who were the directors in your time?

A. Chaudhri Ali Muhammad Khadim of Lyallpur and myself.

The company was a private limited company.

Q. Who was the secretary when you left?

A. Nobody.

Q. When did Mir Iqbal Ahmad become secretary of the company?

A. In November 1951.

Q. Did anybody interfere with the election of directors or the appointment of the secretary?

A. The directors were appointed under the instructions of Mir Nur Ahmad.

Q. How was his son appointed as secretary?

A. Mir Nur Ahmad's son also was appointed secretary under Mir Nur Ahmad's instructions.

Q. How many shareholders were there of the company?

A. Eight or nine.



Q. Did Mr. Ibrahim Ali Chishti also contribute any articles to the "Afaq"?

A. Yes.

Q. In whose name?

A. In the name of "Mubassir".

Q. Did anyone else also write in the name of "Mubassir"?

A. No.

To Mr. Fazal Ilahi, Advocate, contd.-

Q. Who gave you the document Ex.D.E.222?

A. Mir Nur Ahmad himself in his own office. He sent for me and gave me this document and asked me to have the resolutions contained therein passed in the meeting of the directors to be held on 3rd November 1951. Accordingly these resolutions were passed.

Q. When was the shareholders' meeting held?

A. On 7th November.

Q. Where was Mir Nur Ahmad when the meeting of the shareholders was taking place?

A. When we came after the meeting, we found Mir Nur Ahmad outside the office of the "Afaq".

Q. What happened at the meeting of the shareholders?

A. When the resolutions which had been passed in accordance with Ex.D.E.222 by the Board of Directors, were placed before the meeting of the shareholders, they were objected to and the meeting was adjourned.

Q. When you came down after the meeting of the shareholders what talk did you have with Mir Nur Ahmad?

A. Mir Nur Ahmad took me to the residence of Mian Zahur Ahmad and told me that the resolutions proposed by him had to be carried through at the meeting of the shareholders. Accordingly these resolutions were confirmed at the next meeting of the shareholders that took place on 8th November.

Cross-examination by Mr. Yaqub Ali Khan, advocate, on behalf of Mian Mumtaz Muhammad Khan Daultana:

Q. Were not Chaudhri Ali Muhammad Khadim and yourself the only two directors till September 1951?

A. Yes. There were some other shareholders besides ourselves.

Q. Who were the proprietors of the paper before the formation of the company?

A. Mr. Muhammad Shafi, M.L.A., Chaudhri Ali Muhammad Khadim and myself.

Q. When was the company formed?

A. In October 1950.

Q. Did not the company purchase the goodwill of the paper for Rs. 40,000/- against which sum you were allotted proportionate shares in the capital of the company?

A. Yes. Some creditors were also paid by allotment of shares.

This continued to be the constitution of the company till October 1951. In June 1951 the paper was converted into a 'daily' and some more shares were sold through Mir Nur Ahmad.

Q. Who were the persons who applied for allotment of shares in June 1951?

A. Mian Zahur Ahmad, Sheikh Abdul Malik of Karmal Shop and some others.

Q. Had the company become heavily indebted in September 1951?

A. I do not know because Mir Iqbal Ahmad was put in charge of the accounts.

Q. Were you the Governing Director till November 1951?

A. Yes.

Q. Is Ex.D.E.246 dated 12th September 1951 your letter?



A. Yes.

Q. Do you now remember that the company was indebted to the extent of Rs.20,000/- on the date you wrote this letter?

A. Yes. But a sum of Rs.15,000/- as the price of advertisements was also due to the company from Mir Nur Ahmad. My object in writing this letter to Mir Iqbal Ahmad was that he should persuade his father to pay up the price of advertisements to the company so that its outstanding debts may be wiped off.

Q. Did, at the date of this letter, Mir Iqbal Ahmad know that the company was indebted in the sum of Rs.20,000/-?

A. He knew it.

Q. Then why did you say in this letter "Shaid ap ko ma'lum nahin"?

A. This meant that Mir Iqbal Ahmad knew it.

Q. Did you discuss your evidence with Mr. Fazal Ilahi, counsel for the Punjab Government, before you gave evidence here?

A. Yes. We talked about the matters on which my evidence had to be recorded.

Q. Who asked you to come here from Karachi?

A. I should be very sorry if you cannot expect a man of my position to tell the truth. I came from Karachi on a

week's leave, of my own accord.

Q. May I take it that you did not come here at the instance of Mr. Fazal Ilahi?

A. Certainly not. He never suggested to me that I should come to Lahore. Chaudhri Muhammad Hussain, Superintendent of Police, C.I.D. told me in Karachi that I had to be questioned in regard to certain matters concerning the "Afaq". I told him that I was coming to Lahore in a few days' time.

Q. Did you write the letter Ex.D.E.248?

A. Yes.

Q. Whom did you write this letter to?

A. Mr. Fazli of "Afaq".

Q. Who is Fazal Ilahi referred to in this letter?

A. Mr. Fazal Ilahi, Advocate. He came to see me in Karachi.

He had gone there in connection with Muslim League affairs.

He belongs to my district.

To Mr. Asadullah Khan:-

Q. Were you the editor of the "Afaq" on 6th December 1951?

A. Yes.

11th December, 1953.

Sd/-M. Munir.  
PRESIDENT.

Sd/-M. R. Fayani.  
MEMBER.

ORDER.

The examination of Mr. Ghulam Sarwar will  
be continued on Tuesday, the 15th December, 1953.

11th December 1953.

Sd/-M. Munir.  
PRESIDENT.

Sd/-M. R. Kayani.  
MEMBER.

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Witness No:128 (Continued):-

Statement of Mr. Muhammad Sarwar, on solemn affirmation:-

To Mr. Yaqub Ali Khan (By permission):

Q. When you met Mr. Fazal Ilahi, counsel for the Punjab Government, in Karachi, did he suggest to you that you should go to Lahore to give evidence before the Court of Inquiry?

A. No.

Q. Was there anything else common to you and Mr. Fazal Ilahi which required your presence in Lahore?

A. No.

Q. Then what did you mean by saying in the letter, Ex.D.E./248 the following:-

"جود مری فضل الہی صاحب پھر آئے تھے وہ مجھے ساتھ لے کر مصر مجھے لیکن میں نے  
مذرت کر دی اور وعدہ کیا کہ بعد میں آؤں گا - مجھے انکا ایڈریس معلوم نہیں -  
بہرحال اگر آپ ان سے ملیں تو میری طرف سے کہیں کہ میں یہاں سے ۱۸ نومبر کو  
روانہ ہو رہا ہوں - وہ پریشان نہ ہوں -"

A. Mr. Fazli, who was one of the reporters of the "Afaq", met me in Karachi where we had gone in connection with a meeting of the Muslim League. He said that he was in possession of some articles written by Mr. Ibrahim Ali Chishti in his own handwriting bearing on the anti-Ahmadiyya agitation and that this matter had been mentioned by him to Mr. Fazal Ilahi.

Q. You have not replied to my question. Why did Mr. Fazal Ilahi insist on your coming to Lahore?

A. He said that my evidence was necessary in connection with certain matters into which the Court of Inquiry was going.

Q. What was Mr. Fazal Ilahi's anxiety?

A. I do not know.

Q. Did Mr. Fazal Ilahi own any shares in the "Afaq"?

A. Yes.

Q. How many?

A. One share of the nominal value of Rs. 1,000/-.

To Court:-

Q. Who were the shareholders of the "Afaq Limited"?

A. Chaudhri Sardar Khan, Ch. Zahur Ilahi, Mirza Mazhar Husain and three or four others whose names I do not remember.

Q. What was the subscribed capital?

A. Each of the shareholders held one fully subscribed share.

This was the state of affairs when the paper was a weekly paper.

Q. Did the "Afaq" support the Daultana Ministry when it was a weekly?

A. So long as the paper was a weekly the Ministry had not been formed. The elections were held in March when I left for Egypt. I returned in May and the paper was still a weekly, though the Ministry by that time had been formed. It is correct that the "Afaq", while it was a weekly paper, supported Mr. Daultana.

Q. Was that the independent policy of the paper?

A. Yes.

While the paper was a weekly, Mr. Daultana did not interfere with its affairs even once.

Q. Did you continue the policy of supporting Mr.

Daultana even when the paper was converted into a daily on 15th June 1951?

A. Yes. Till I left Lahore in June 1952, the "Afaq" was pursuing an independent policy of supporting Mr. Daultana.

Q. Did Mr. Daultana make the donation of Rs. 5,000/- in May 1951?

A. Yes.

Q. Was the donation unqualified?



A. Yes.

Q. Was this donation shown as income of the newspaper?

A. Yes.

Q. Was the first purchase of copies by the D.P.R. made in the beginning of July 1951?

A. Yes. That is so.

Q. Did you employ Mir Iqbal Ahmad in May 1951?

A. Yes.

Q. Do you know that Mir Iqbal Ahmad was Assistant Information Officer at a salary of Rs.300/- per mensem, in the Government of India for three years before the Partition?

A. I do not know.

Q. Do you know that Mir Iqbal Ahmad also worked in the Civil and Military Gazette?

A. No.

Q. Do you know that Mir Iqbal Ahmad held a first class testimonial from Mr. Buston, the editor of the Civil and Military Gazette?

A. No.

Q. Was Mr. Fazal Ilahi, so long as you were connected with the "Afaq", a supporter of Mr. Daultana?

A. Yes, and he continued to support him even after I left the paper.

Q. Did you resign from the office of Governing Director in November 1951?

A. Yes.

Before this Mir Iqbal Ahmad had been appointed as Advertising Manager. He had, however, assumed to himself the functions of the Managing Editor and General Manager. I had complained about this usurpation to the chairman of the Board of Directors.

Exhibit D.E. 252 is the copy of the resignation which I tendered. The draft of the resignation was prepared by Mir Nur Ahmad.

Q. Did Mr. Daultana hold any shares in the "Afaq" Limited?

A. No.

Q. Was Mir Iqbal Ahmad appointed General Manager in November 1951.

A. Yes.

To Court:-

Q. By whom?

A. By the Board of Directors.

Q. Freely?

A. No.

Q. What do you mean by this?

A. I mean that the Board of Directors merely carried

out the wishes of Mir Nur Ahmad.

To Counsel contd.-

Q. Is the letter Ex.D.E.247 in your handwriting?

A. Yes. Till the Board of Directors appointed Mir Iqbal Ahmad as Secretary of the Board of Directors on 3rd November 1951, I used to sign the cheques as Managing Director.

Q. What did you mean by saying in this letter that while you were out selling shares, Mir Iqbal Ahmad should take the entire management in his hands?

A. I said what the sentence implies, namely, that Mir Iqbal Ahmad was to act for me during my absence.

Q. This letter shows that before 12th September 1951 it had been decided to allot shares to Mir Iqbal Ahmad. Is it so?

A. Yes. This decision to allot shares had been taken by myself, because Mir Nur Ahmad had made it impossible for us to run the paper unless we complied with his wishes.

Q. Did Mir Nur Ahmad desire these shares to be allotted to his son?

A. Yes.

Q. Did Mir. Daultana ever tell you to sell shares for this amount to Mir Iqbal Ahmad?

A. No.



Q. Did you leave the "Afaq" because of some unpleasantness between the Chief Minister and yourself?

A. No. There was never any unpleasantness between Mr. Daultana and myself. I left the "Afaq" because Mir Nur Ahmad started a campaign against me in the "Zamindar" and the "Zehsas", a weekly paper. I produce a specimen of that campaign, Ex.D.E.253 published in the "Zamindar".

Q. Was Altaf Hussain, editor of the "Dawn", defeated at the P.N.E.C. by Maulana Akhtar Ali Khan?

A. Yes.

Q. Did Altaf Hussain and others then resign from the P.N.E.C. and start the Council of Pakistan Editors (C.P.E)?

A. Yes.

Q. Which were the Lahore papers aligning themselves with the P.N.E.C. after this?

A. The "Zamindar" only.

Q. Did you write the letter dated 13th June, 1952, Ex.D.E.254, to the chairman of the board of directors of the Afaq Limited?

A. Yes.

Q. Did you after this attend the meeting of the C.P.E. in Karachi on 15th June 1952?

A. Yes. The chairman of the board of directors wired to the C.P.E. saying that I did not represent the "Afaq". Nevertheless I was allowed to take part because my name was on the paper as editor.

Q. Did you have any dispute with the D.P.R. regarding the declaration of the "Afaq"?

A. Yes. The declaration of the paper was in my name. After I left the paper, the Afaq Limited continued with the "Afaq" but described the paper as "Afaq-i-Nau-Pakistan" in stead of "Afaq-i-Pakistan". On this I filed a suit against the management claiming that their conduct in continuing with my paper was illegal.

Q. Was the declaration of the "Afaq" ever cancelled?

A. Yes. It was cancelled on 15th August 1952.

Q. Did anyone then file a new declaration for the "Afaq"?

A. Yes, the Afaq Limited did so.

Q. Did you feel aggrieved against Mir Nur Ahmad for getting your declaration cancelled and for making you leave the "Afaq"?

A. Yes naturally. I was the aggrieved party.

Q. Had not the goodwill of the paper passed on to the "Afaq Limited" by your accepting allotment<sup>of</sup> shares of the value of Rs.10,000/- by the management?

A. It is a matter of law and the answer to the question depends upon the terms of the agreement.

Q. Have you been on friendly terms with Mr. Hamid Nizami?

A. A reconciliation between us was brought about by Mr. Daultana.

After Maulana Akhtar Ali Khan became chairman of the P.N.E.C., he turned against me. The articles that appeared in the "Zamindar" against me were all written by Mir Nur Ahmad and his colleagues.

Q. Why did Maulana Akhtar Ali Khan turn against you?

A. Because he was a tool in the hands of Mir Nur Ahmad.

Maulana Akhtar Ali Khan's opposition to me commenced in September or October 1951.

R.C.&L.C.

15th December, 1953.

Sd/-M. Munir.  
President.

Sd/-M. R. Kayani.  
Member.



16th December 1953.71st Sitting.

Present:-

Honourable Mr. Justice Muhammad Munir,  
Chief Justice, President,

Honourable Mr. Justice M. R. Kayani, Member.

O-O-O-

Mr. Faiyaz Ali, Advocate-General of Pakistan,  
for the Central Government.

Mr. Fazal Ilahi, Advocate, for the Punjab  
Government.

Mr. Yaqub Ali Khan, Advocate, for Mian Mumtaz  
Muhammad Khan Daultana.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-  
Ahrar.

Mr. Asadullah Khan, Advocate, for Badr Anjuman  
Ahmadiyya, Rabwah.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya  
Anjuman-i-Isha'at-i-Islam.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

Mr. Saad Malik, Amir-i-Jum'at-i-Islami, in person.

(IN CAMERA)WITNESS NO:129 (called by Court):-

Honourable Dr. Ishtiaq Hussain Qureshi,

Education Minister, Government of Pakistan,

Karachi, on solemn affirmation:-

To Court:-

Q. It has been stated in the evidence before us that when in the later half of 1952 you came to Lahore, a complaint was made to you that the anti-Ahmadiyya agitation in the press was being fanned by the Department of Public Relations. Can you recall this incident and give its particulars?

A. I came to Lahore in the later half of July 1952 in connection with a meeting of the Credentials Committee of the Constituent Assembly for the purpose of hearing an election petition. As Minister for Information and Broadcasting, I always made it a point to meet the editors of the newspapers in an informal and off-the-record meeting. I also had quite a number of persons coming and visiting me. Before the meeting of the editors, I was told that the Directorate of Public Relations had been supplying newspapers with articles which were calculated to fan the agitation in connection with the Ahmadis. Unfortunately, I have

not been able to remember the name of the person who first gave me the information but the information was given to me very positively and indeed this person offered to get for me from the office of some newspaper an article in the handwriting of a Government employee, Mr. Chishti, which would prove that the Government had been supplying articles to newspapers. I was morally convinced that the information given to me was correct but I thought that it would not be dignified on my part to utilize my informant for the purpose of what might amount to stealing papers from the records of any newspapers. After that the Director of Public Relations, Mir Nur Ahmad, came to see me and I put it to him frankly. I said that my information was that the Department of Islamiat, which I understood worked under him, had been supplying articles to newspapers. He tried to parry the question but I pressed him and he said that efforts had been made to "canalize" the agitation into certain channels. I had in particular confronted him with the fact that the "Afaq", which was for all



practical purposes, to the best of my information, under the Directorate of Public Relations, had taken up the attitude that the Ahmadis should be declared a minority. His answer, as I have already said, was that this had been done in order to canalize the agitation into certain channels. I told him that, in my opinion, this was not canalising but fanning the agitation. I thought this was a sufficiently serious matter for me to take up with the Chief Minister, Mr. Daultana and, therefore, decided to contact him. He very kindly asked me to tea on the 19th July. My memory may be false but I remember that that was the day when trouble had taken place in Multan. I said to Mr. Daultana that only a few days before — because I had stayed in Karachi for not more than three days after attending the meeting of the sub-committee of the B.P.C. at Nathiagali of which both Mr. Daultana and I were members — I had received such a complaint and that if the Provincial Government had decided upon a line of action which was a departure from the previous line of action in connection with publicity, it was only fair

that he should have discussed the matter with me when he and I were at Nathiagali. Mr. Daultana told me that what had been done in connection with Mir Nur Ahmad's canalizing the agitation, had been done without his knowledge. He conceded that I was right in saying that if there had been any definite change of policy, it should have been in consultation with the Central Government.

Q. At the meeting of the newspapers' editors, were Mir Nur Ahmad and Mr. Hamid Nizami, editor of the "Nawa-i-Waqt", present?

A. Yes. Whenever I held a meeting of the editors in any Province, I made it a point of having the provincial officers concerned present. Mr. Hamid Nizami also was present.

Q. Mr. Hamid Nizami has said the following in connection with this incident:-

\*This subject happened to be discussed at the party. Dr. Ishtiaq Hussain remarked that the

campaign, which was being carried on in the press against Chaudhri Muhammad Zafarullah Khan, was detrimental to the interests of the country and that it was likely to lead to serious consequences. Guests present at the party expressed their own opinions in the matter. When I kept quiet, Dr. Qureshi asked me why I was not expressing any opinion. I replied that it was futile for me to give my opinion because the campaign was being carried on in the papers which were being subsidised by the Government. The Doctor asked me to explain what I meant. I then said that the entire agitation had been inspired by Government and that if the Government so liked, it could be stopped immediately because the papers which were indulging in this campaign, could not afford to disobey the directions of Government. Dr. Qureshi said that he also had heard some similar rumours but that he had not been supplied with any concrete facts. I then pointed to Mir Nur Ahmad and said that he was the arch criminal in the matter because it was he who was having all articles on the movement written. Dr. Qureshi asked me if I could prove the allegation. I said that if Mir Nur Ahmad was denying the allegation, I would be willing to prove it. Mir Nur Ahmad kept quiet. Dr. Qureshi asked me if I would repeat my allegation to the Prime Minister Khwaja Nazimuddin. I said, yes."

Did any such talk take place?

- A. I do not remember all the details but I think the fact that Mr. Nizami alleged that Mr. Nur Ahmad was



responsible for carrying on this campaign in the newspapers, is substantially correct. I naturally did not want to embarrass an officer of the Government in the presence of the editors by accepting all that was said, but, as I have already deposed, even before this I was morally convinced that Mr. Nur Ahmad certainly had a hand in the agitation.

Q. Did Mr. Nizami, pointing to Mr. Nur Ahmad, say that if Mir Nur Ahmad denied the allegation against him, he would prove it?

A. I do not remember the exact words because at that time I really was not concerned with allegations and counter-allegations. What I was concerned with was that I wanted, in my own mind, to be morally certain that my impressions were correct. I would say this, broadly speaking, that the allegation that Mir Nur Ahmad was at the back of the agitation was certainly made by Mr. Nizami. What were his exact words, I really cannot remember.

Q. Did Mir Nur Anwar say anything in reply?

A. No.

To Mr. Fazal Ilahi, counsel for the Punjab Government:-

Q. Did you inform the Prime Minister on this point?

A. I told the Prime Minister that in my opinion the agitation in the Punjab was being fanned by the Directorate of Public Relations. I also mentioned to him that I had a talk with Mr. Daultana and that he had told me that this was being done without his consent. I also expressed the opinion that it was very strange that a department of a Provincial Government should adopt a policy in such an important matter without explicit permission or orders from the Central Government.

To Court:-

Q. Was it then your impression that Mr. Daultana knew that the Directorate of Public Relations was fanning the agitation?

A. I should say that if Mr. Daultana had not known, it was very strange because cuttings of newspapers on this important question must have been supplied

to him and he must have known that papers which were almost directly under the control of Government like the "Afaq", were adopting the same line. Therefore, I really was surprised when Mr. Daultana told me that this line had been taken without his knowledge.

To Mr. Fazal Ilahi continued:-

Q. Did Mr. Daultana say that he would make an inquiry against the Director of Public Relations?

A. I do not exactly remember whether he said that he would make inquiries against the Director but he certainly said that he would look into the matter.

Q. Did he convey to you the result of any such inquiry?

A. No.

To Mr. Asadullah Khan:- Nil.

To Mr. Mazhar Ali Azhar:-

Q. Did you or the Prime Minister mention this incident in the conference held in Karachi on 8th, 9th and 10th of August?

A. No.



To Maulana Murtaza Ahmad Khan Maikash:-

Q. What was the policy of the Central Government

regarding publications relating to Tahaffuz-i-Khatm-i-Nubuwwat movement?

A. The policy of the Government was that nothing should be published which would create any further bitterness in this respect and certainly to assuage feelings rather than to embitter them to the point of causing disturbances.

Q. Was the person who gave you the original information, Khwaja Nazir Ahmad?

A. I definitely remember that it was not Kh. Nazir Ahmad who first gave me the information. Actually the person who gave me the information is not very well known to me, otherwise I would have remembered him.

To Mr. Saeed Malik, Amir-i-Jum'at-i-Islami: Nil.

Cross-examination by Mr. Yagub Ali Khan, Advocate,  
on behalf of Mian Mumtaz Muhammad Khan Daultana:

Q. Will you recall that when Mir Nur Ahmad said that efforts were being made to canalize the movement, his answer was confined to the activities of the "Afaq" and he did not concede or admit that the department was actually supplying articles relating to the movement?

A. So far as his remark about canalizing the agitation was concerned, my impression at that time was and even now remains that he did not limit himself to the "Afaq".

Q. Are you in a position to say that what Mir Nur Ahmad told you amounted to an admission that his department had been contributing articles on the Phatm-i-Nubuwat movement to the four government subsidised newspapers with a view to canalizing the movement?

A. So far as I remember, Mir Nur Ahmad did not make any such positive statement, but he certainly did not deny the allegations with which I confronted him and, therefore, I thought that it was not necessary to follow the matter further. I

considered his admission as implicit in what he said.

Q. It is stated in the evidence before the Court of Inquiry that you mentioned this incident to the members of the Cabinet. Is it so?

A. Yes. I mentioned this to the members of the Cabinet. It was in a meeting of the Cabinet.

Q. We are told that you informed the members of the Cabinet that the explanation of the Director, Public Relations, did not satisfy you. Is it so?

A. I have no recollection of having said so, but I could very well have said so because, when the Director, Public Relations, told me that his intention was to canalize the agitation, I had told him that, in my opinion, it was not canalizing the agitation, and, therefore, I might very well have said to the Cabinet that the explanation that this was meant to canalize the agitation had failed to satisfy me.

Q. Will you kindly recall that the Chief Minister of the Punjab, when he was staying with the Governor-General about this time, made a request to you through the Governor-General to assist him in finding another Director of Public Relations because he was not



satisfied with Mir Nur Ahmad?

A. The request was made more than once, but so far as my recollection goes, it was made long before July 1952. The request was not repeated to me after these incidents. The grounds given formerly were that Mir Nur Ahmad was not a good writer and that the Chief Minister would like a person who was capable of writing well.

Q. Will you recall that you said that because the "Dawn" was carrying on a campaign against Mir Nur Ahmad, if Mir Nur Ahmad was replaced at that time, it would amount to conceding the demand made by the "Dawn" against Mir Nur Ahmad?

A. What I did say was that the Council of the Pakistan Editors had passed a resolution demanding the dismissal or removal of Mir Nur Ahmad, that if Mir Nur Ahmad were removed at that time, it would mean that Government removed its officials as a result of resolutions of newspapers editors, and, therefore, the Chief Minister should wait a little. I think this happened a good bit before my meeting Mr. Daultana in July.

To Court:

Q. Were you ever shown a file of cuttings from newspapers in which the articles contributed to several newspapers were identical, even to the extent of punctuation?

A. I do not remember having compared the articles to the point of punctuations. I was satisfied by the fact that the trend of the articles was the same. This I need not have been shown by anybody because cuttings were regularly supplied by my own Ministry. I think a file of press cuttings was shown to me, but I said that I myself had noticed the similarity in the trend of the articles.

To Counsel contd.-

Q. Did you hold a meeting of newspaper editors in Lahore in March 1952?

A. It is quite likely.

Q. Did the incident which you have ascribed to the meeting of July 1952, actually happen at the meeting of March and did it relate not to the subject-matter of Khatm-i-Nabuwat, but to the non-cooperation of the newspapers with the Government?

A. The fact is that it was very seldom that some editor or other in Lahore did not complain to me about the

behaviour of Mir Nur Ahmad. Actually I do not know whether it was in March or earlier, but there was some complaint as to the relationship between Mir Nur Ahmad and the "Afaq", which in the opinion of some of the editors amounted to a scandal, and they certainly referred that matter to me. This, however, had nothing to do with the subsequent meeting in July.

Q. Were the relations between Mr. Hamid Nizami and Mir Nur Ahmad strained?

A. It did not take me long to discover that the relations between them were by no means friendly.

Q. Did you ever meet Khwaja Nazir Ahmad when you came to Lahore?

A. Yes. I met him several times.

Q. You have told us the policy of the Central Government regarding publications relating to the anti-Ahmadiyya movement. Will you kindly tell us if this policy was conveyed to the various provincial units by means of any circular letter or otherwise?

A. This policy, to the best of my recollection, was



not conveyed by any such letter, but it certainly was conveyed by me while talking to the various officers in the Punjab. The problem really concerned the Punjab at that time.

To Court:

Q. Do you include Mr. Daultana with the Punjab officers?

A. I do not include Mr. Daultana among the Punjab officers, but I certainly mentioned this fact in my conversation with Mr. Daultana on July 19th.

R. C. & A. C.

Sd/-M. Munir  
President.

16th December, 1953.

Sd/-M. R. Kayani.  
Member.

17th December 1953.72nd Sitting.

P r e s e n t :—

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani,

Member.

- o - c -

Mr. Faiyaz Ali, Advocate-General, Pakistan,  
for the Central Government.

Mr. Fazal Ilahi, Advocate, assisted by Mr.  
Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian Humez  
Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, for Sadr Anjuman  
Ahmadiyya, Rabwah.

Mr. Fatch Muhammad Aziz, Advocate, for  
Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the  
Majlis-i-Ahrar.

Maulana Murteza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

Mr. Saeed Malik, Member, Juma'at-i-Islami, in  
person.

- 3000 -

Witness No: 130 (Called by Court)

CHIEF Major-General Muhammad Azam Khan, G.C.C., 10th Division, Lahore Cantonment, on S.A.—  
To Court:-

Q. In the conference with the I.G., D.I.G., U.S. and Commissioner, as representing civil power, and Lt.-Col. Sirdar Abdul Aleem Khan, G.C., 103 Brigade, and G.S.C.I Lt.-Col. Muhammad Ashraf, as representing the military, held at 21-30 on 2nd March, was any decision taken as to what the military were to do?

A. The Home Secretary described the situation as it existed at the time and said that as very ugly riots which the police might not be able to control, were likely to take place, troops might have to be sent to Lahore in aid of civil power to assist them in maintaining law and order. At that time it was decided that one battalion would be sent to the Lawrence Garden and a part of that battalion would carry out patrolling on the main road outside the walled city. 1st Baloch was the battalion detailed for the purpose. The officiating Commander of the Brigade who was responsible according to our internal security scheme, copies of which were with the D.C., I.G., and the S.S.P.,



was the Brigade Commander of 103 Brigade.

Q. Was it expressly discussed what the military were to do?

A. The military were called in aid of civil power and to carry out patrolling, and while patrolling they were to be accompanied by a magistrate. ✓

Q. Were the military to act under their own commanders or under the direction of civil authorities?

A. We were actually in one respect under the orders of the civil authorities, who would give an express order to the military commander to carry out any role that they were asked to, including firing. This means that the military were not to act under its own commanders independently of orders by the civil authorities, unless of course they had to act in self-defence. ✓

Q. What did the military do on the 3rd and the 4th March?

A. On 3rd March the military carried out patrolling in the specified areas already agreed upon. On the 4th again patrolling was carried out. ✓

Q. Were these military patrols accompanied by magistrates?

A. On the 3rd and 4th each patrol was accompanied by a magistrate and each patrol had the necessary equipment which is required for display and for giving warning etc. ✓

Q. In that conference was the question discussed whether the military would fire and, if so, in what circumstances?

A. This question was not discussed, but the normal procedure is that when a magistrate gives orders for the dispersal of any crowd and he can not disperse it without force, he gives order to the military. Such a situation never arose. ✓

Q. Are you provided with any instructions as to what procedure is to be adopted in aid of civil power?

A. I produce a pamphlet entitled "Military Training Pamphlet No:11, Notes on Training for Duties in Aid of the Civil Power 1941". This is a part of the training of every military officer and each officer is provided with one copy of this pamphlet and his promotion depends on whether he has mastered the instructions contained therein. Every year this training is carried out. ✓

Q. Can you point out to the relevant provision in this

pamphlet showing how the military are to act in aid of civil power?

A. Para 31 of the pamphlet says that the magistrate may call upon the commander to disperse an unlawful assembly, but that it should be clearly understood that this request is not an order to fire on the crowd. Thereafter the commander is master of the situation and if he finds it necessary to fire, he will do so.

Q. Was any request made by any magistrate for the dispersal of any unlawful assembly by force?

A. No. Throughout, even up to the proclamation of martial law, no such order was given.

Q. According to these instructions can a military officer, in the absence of a magistrate, disperse an unlawful assembly by force?

A. According to these instructions, in the absence of a magistrate, a military officer is allowed to disperse an unlawful assembly.

Q. Please refer to the relevant rule in this pamphlet.

A. Paras 33 and 34.

Q. Why was patrolling stopped and the military withdrawn to the Cantonment, first on the 3rd and



and then on the 4th March?

A. On the 3rd, after patrolling had taken place, the situation was reported to be normal by the S.S.P. and the D.C., and the Commander in consultation with the S.S.P. and the D.C., who said that there was no necessity for such a large number of troops, withdrew some troops to the Cantonment. Adequate troops were, however, left behind to cope with any situation if necessary. The reasons for the withdrawal of the military on the 4th were the same as on the 3rd.

A. It is alleged by the civil authorities that the military did not like to act in aid of civil power and that you were anxious to assume control of the situation because dual control would not be effective. Is that so?

A. I emphatically deny this allegation. At no stage have I ever created any impression, nor have I made any request that the situation should be handed over to the military. I was always advising that effective action should be taken. The army was at the command of the civil authorities, and I always asked that forces should be used effectively to restore law and order.

Q. Did the military ever act independently on the 3rd or 4th March?

A. We were continuously in aid of civil power and we were the whole time under the magistrates.

Q. In the conference held at the Government House on the morning of 5th March, one of the decisions taken was that the police was to be supported by military contingents under their own commanders. How was this decision carried out?

A. At this meeting again, I stressed that we should take effective action and restore law and order. In this particular conference I also suggested that since a D.S.P. had been murdered in the walled city area and that area was the most disturbed one we should take strong action in that area. The police never asked the army to patrol with them. The patrolling was done by the army under the same arrangements accompanied by magistrates without the police. The police never made any special request for the army patrols to accompany them.

Q. How was the decision taken at the conference of the 5th March different from the earlier decision as to the use of troops?

A. It was different in this sense that the police were told that they would take the strongest possible action to restore law and order. If, however, they themselves could not restore order, they would call for military aid.

Q. What did the decision of the 5th March that the police



was to be supported by military contingents under their own commanders mean?

A. It comes to this that if the police met with such a situation in an area where they could not deal with it, they were to ask the military commander to send them troops to restore law and order in that area. It did not mean that the police were to be accompanied by the troops, nor did the police ask us to accompany them.

Q. Was a plan ever drawn up for the cooperation of the military with the police?

A. At the time when the army went over in aid of civil power, I had their headquarters shifted close to our own and also had a wireless established in their headquarters, so that we could get any information from them within the shortest possible period. We also installed a telephone at their headquarters which was within a few yards from our own. I also had a liaison officer appointed at the Kotwali with them.

Q. Did the police in any sector make over to the sector commander?

A. No.

Q. Did the military in any instance resort to firing before the proclamation of Martial Law?

A. No. They were never called upon to fire.

Q. It is alleged that on the night of 4th March and 5th March, while the police was firing and was being abused with shouts of "murdabad", the military, wherever they went, were received with shouts of "Pakistani Fauji Zindabad" and were garlanded. Is that so?

A. This allegation is totally incorrect. There had been no instance where any army personnel had been garlanded. At one time this was mentioned to me and on the spot I denied it and said that any instance might be quoted. No instance was quoted.

Q. Was it ever alleged to you that the mob were shouting slogans of "Pakistani Fauji Zindabad"?

A. No. If any police officer were falling prey to the propaganda of the agitators, it was his fault.

Q. Was there a meeting at the Government House on the evening of the 5th March?

A. I was not called to any meeting on the evening of the 5th March. If there was any meeting I am not aware of it. I did not attend it.

Q. Did you ever attend any meeting in which it was suggested on the 5th March that there should be a let-up in the

firing?

A. No.

Q. Did you hear from anybody on the 5th or afterwards that there had been such a decision or suggestion?

A. No. But I remember that Mr. Anwar Ali, Inspector-General of Police came to our Gymkhana Headquarters at about 5 pm and told me that a meeting of the gentry of the town was being held at the Government House. He seemed cut up and said that the firing in the town, that had taken place during the day, had created defiance among the public. My impression was that he thought it was a mistake to resort to heavy firing. He was obviously referring to police firing, because the troops had not been firing. He also said that whenever there is firing by the police, there is invariably an enquiry following it.

Q. Did any serious incident of lawlessness occur on the 5th March after 2.30 p.m.?

A. There was one incident which I can quote. At about 6 p.m. I had called a meeting at the Gymkhana Headquarters. A huge crowd was getting round the Government House. I then sent troops from the Lawrence Garden to the Government House and in the direction from where the shouts and slogans were coming.



Q. Can you remember where you were at 6.30 p.m. on the 5th March?

A. I was at the Gymkhana, my Headquarters, up to about 7.30<sup>pm.</sup>

Q. Was the loyalty of the army ever affected or did it become doubtful by reason of religious appeal to the troops?

A. There was no impressi-on made on the troops by any such propaganda. Their morales remained high whatever roles they were given.

Q. Was it ever complained to you that the Ahmadis were shooting down people from a jeep?

A. There was a mention made in the conference. I said, "Will you find out as to who were shooting and where were they shooting?" But I never got any specific reports.

Q. Did it ever come to your notice that a bus, flying an unauthorised Red-Cross flag was given a permit by a sector commander or a sub-sector commander?

A. No.

Q. What would you do to control the situation if the entire town inside the city walls rise in revolt?

A. If the city is in revolt and this is the strongest centre where all the activities are going on which have influenced law and order in the rest of the town, then it will be my first object to clear that area and

restore law and order. There will be no difficulty in that. I give you an instance. When Martial Law was declared, by 6 o'clock in the evening of the same day I had completely controled all the walled-city area, on the same day. It was not advisable to open the steel gates of Wazir Khan mosque where people had locked themselves. I used other methods and allowed them to stay there. I stopped their electric supply, cut off their loudspeakers and their water supply and did not allow any one to go in. This is exactly what I suggested at the conference at the house of the Chief Minister on the morning of the 5th March. When, however, I made this suggestion, the Inspector General of Police dissuaded the conference from adopting it on the ground that many years ago when the British had taken action within the walled-city area they had suffered. He was able to persuade the Chief Minister to adopt his view. I had advised strong action within the walled-city area in view of what had happened at the Wazir Khan Mosque on the previous evening. A D.S.P. had been killed and some police officers were missing. Others had been roughly manhandled.

Q. What was your suggestion?

A. A D.S.P. had been killed and some police officers were missing. Others had been roughly manhandled. I did not exactly suggest that the city or any particular area should be handed over to the army. What I suggested was that very strong action should be taken, and if the police could not clear the affected areas, I could clear them.

Q. When you heard about the D.S.P.'s murder on the evening of the 4th of March, what did you do?

A. I was not called personally. Troops were called to Kotwali and I sent a company immediately. Having ascertained that the civil officers themselves were at the Kotwali, I also went there.

Q. Did any troops enter the walled area on the 6th after the declaration of Martial Law?

A. When Martial Law was declared, the first place that we cleared was the walled city. I came across no difficulty. I used only one battalion on the 6th of March to clear the entire affected area. ✓



Q. If on the 4th or the 5th of March you had been asked to clear the city without actually taking over, would you have succeeded?

A. Undoubtedly.

Q. Would you have insisted that you should have charge of the entire situation?

A. No.

Q. Did you on 6th of March ask the Governor to intervene and to ask his Government to hand over the situation to the army for the restoration of law and order? ✓

A. Yes. That was because on the 6th of March the situation was completely out of hand. Even the Secretariat had gone on strike and had shown great discourtesy to its superior officers. This was the last blow to the prestige of the Government. Every moment at the Government House we were receiving telephonic messages threatening the cutting off of electric energy. We had news that a procession of ninety thousand men was proceeding to the cemetery carrying what they called martyrs with them and the Government were treating it as a peaceful ✓

procession. I entreated them not to allow it to assemble or to proceed. The Chief Minister asked me, "General, how much force have you got". I said, "Any number, if you give me an order to disperse them". He said, "This is a political issue; how many of them can you kill"? I said that this was a question of law and order and that the moment strong action was taken, they would disperse. The Governor was all the time in favour of strong action. The Chief Minister, however, said that a statement was being issued to the public and that it would restore law and order. I again said, "Statement or no statement, this is a question of law and order and unless it is restored, the whole of Lahore will be wiped out and it would be a disastrous blow to Pakistan". I looked at the Governor and asked him if I could speak to him alone. He went out with me to the verandah. I said to him that the time had come when he should intervene. He said, "I am sorry, I cannot interfere as I have no powers". I returned to the meeting and

said, "Please do not take counsel from your fears; will you use me to your best advantage?" They, however, were not inclined to listen to me. I, therefore, telephoned to the G.H.Q. and spoke to the Chief of Staff, General Nasir Ali Khan. I told him that it was time that we intervene and restore law and order. I also told him that the civil authorities were not handling over the situation to me. He rang up the Defence Secretary and a short while later the Defence Secretary himself spoke to me on the telephone. I related the whole situation to him. He inquired of me if I could control it. I said I could control it within six to twelve hours. He said the Cabinet was discussing the question. Half an hour later, I was instructed by him to take over.



Q. What would have been the situation like if the army had not taken over on the 6th?

A. I do not wish to boast, but if I had not intervened, in another hour and a half there would have been complete devastation, loot, murder and rape, and no honour and dignity left. The greatest shame of it was that it was more or less accepted that we should submit to all those indignities.

Q. If army patrols were moving outside the walled area on their own, why did they not disperse unlawful crowds?

A. Whenever we approached such a crowd, it melted away. In the general role assigned to us, we were kept outside the walled area. The storm centre, however, was the walled city. If the troops had been required to patrol the walled area, we could have easily done it.

Q. Is it correct that Brigadier Maqanaz suggested at one of the meetings on the 5th of March that troops should be placed at police stations but that

you did not agree?

A. Nobody made any such suggestion and I did not oppose it. The role belonged to Colonel Alimuddin. He told me that they had asked him to place troops at Naulakha Police Station and that he had done so.

Q. What led to all this?

A. Half-hearted measures and poor leadership at the helm of affairs in Lahore. The police force were "first class" and if they had followed a firm policy at a certain stage, they could have dealt with the situation without the help of the army. What was needed was guts and a fixed aim coupled with a realisation that this was a question of law and order and had to be faced at any cost.

To Mr. Fazal Ilahi, counsel for the Punjab Government:- Nil.

To Mr. Asadullah Khan, counsel for Sadr Anjuman-Ahmadiyya

Rabwah:- Nil.

To Mr. Fatah Muhammad Aziz, counsel for Ahmadiyya Anjuman-i-

Isha'at-i-Islam:- Nil.



Cross-examination by Ch. Nazir Ahmad Khan, Advocate  
on behalf of Jama'at-i-Islami:

Q. Was any firing resorted to by the military  
after taking over on the 6th?

A. I have declared that when martial law was  
closed, the total number of casualties was  
eleven killed and forty nine wounded.

Q. How much firing did you have to resort to on the  
6th and 7th?

A. Altogether on the 6th and 7 th, eleven were  
killed and fortynine wounded.

Q. Do you think, if firm action had been taken on  
the 2nd and 3rd March, martial law would have  
been necessary? ✓

A. It would not have been necessary.

Q. Would you say that persons in authority, including  
the civil officers and members of Government, who were  
present at the Government House on the morning of 6th  
March, were panicky?

A. Yes.

Khan

Cross-examination by Maulana Murtaza Ahmad/Naikash,  
Member Majlis-i-Amal:

Q. Did the troops stop a jeep on Ravi Road on the



6th of March?

A. Not to my knowledge.

Q. Were any persons dressed in military uniforms sent to the Central Jail and taken out by an army officer?

A. I have no knowledge of this.

Cross-examination by Mr. Yaqub Ali Khan, Advocate,  
on behalf of Mian Muntaz Muhammad Khan Daultana:

Q. Did the military officers attending the meeting of 2nd March prepare a record of the proceedings?

A. No.

Q. Why were you called to the conference held at the residence of the Chief Minister early in the morning of 5th March?

A. In connection with the disturbances.

Q. Were you told that you were being called because the situation had worsened after the murder of the D.S.P.?

A. No.

Q. Do you remember that the conference lasted from 2-30 a.m. to 5 a.m.?

A. I reached there at about 2-30 and returned at 4 o'clock.

Q. What was said at the conference about the situation? Was it not said that it was growing worse?

A. I do not exactly remember the words used, but it was clear that I had been summoned because the situation was causing anxiety.

Q. Was it decided that some army officers and some civil officers should sit together and formulate a plan of action for the following day?

A. No. It was only agreed that the army would act in aid of civil power.

Q. Were any decisions over and above those already existing, taken?

A. No. I have already said that I made suggestions for taking strong action. I laid emphasis on the situation within the walled city.

Q. May I take it that you were called to the conference in order that the Government should profit by your advice?

A. Yes, and I made the suggestions to which I have already referred.

Q. Were you not asked to provide more troops?

A. No. It was unnecessary to call me for that.

purpose. The troops could be summoned at a moment's notice by giving intimation to the commanders. I had already placed a complete Brigade at their disposal. It was never said that the forces were inadequate.

Q. What were the views of the Chief Minister at the conference?

A. He said that law and order should be restored, but as to the method of restoring it, he thought that the police force should act in the first instance, and that if it could not be effective, the army should assist.

To Court:-

Q. Did he say that the army should be used merely for show of force?

A. He did not say that he only wanted the military as a show of force, but asked for the patrolling to be done so that everyone should see them.



Q. Was the Chief Minister keen that law and order should be restored?

A. Yes.

Q. Do you agree that one of the uses to which the military can be put in aid of civil power is to display them so as to frighten the agitators?

A. Yes, and at the same time, if necessary, to make use of them for dispersal of mobs. This is called 'Active Suppression Role'.

Q. Would the troops, if they had been asked by the magistrates on 3rd or 4th of March to disperse the crowd, have obeyed them?

A. Most certainly.

Q. I put it to you that there were no orders by the Chief Minister that the troops were not to act if they were required to disperse the mobs?

A. I have never said that.

Q. I bring the following passage in your written statement to your notice:-

"The Chief Minister asked for the troops to carry out patrolling as a mere 'show of force', but did not want them to take any further action at this stage, i.e. he did not want to permit the use of force by the troops to disperse unlawful mobs."

A. There are various roles in which troops are called out. One is 'Mobile Column Role' which is referred to in the initial stage of the disturbances. They show themselves and go into the area which is a disturbed area. Another is 'Preventive Role'.

Q. How do you reconcile it with your earlier statement that the Chief Minister did not ask you that troops were to be used only as a mere "show of force"?

A. What I mean is that he did not ask me to stop the outside agitators from coming into the town or enforce a curfew order or to help the police in enforcing section 144 of the Code of Criminal Procedure in specific areas. Further, he did not ask me to disperse unlawful mobs on my own initiative. If, however, the magistrates required them to act they would have had to act.

Q. Who told you on the evening of the 3rd that the Deputy Commissioner and the Senior Superintendent of Police had agreed to the withdrawal of the troops?

A. The Commander, Lt. Col. Alim-ud-Din.

Q. Did you tell the Inspector General or any other officer that the S.S.P. and the D.C. had suggested a withdrawal of the troops?



A. No such occasion arose. I feel that unnecessary prominence has been given to this issue. Some troops were withdrawn from the Gymkhana to the Cantonment and an adequate force was left behind. Even the force that had been withdrawn could be sent back at a notice of 15 minutes.

The I.G.P. made no such complaint to me that the troops had been totally withdrawn from duty.

Q. When were you asked to send back the troops that were withdrawn?

A. Some time in the morning.

Q. Have you any record of the number of troops and the number of patrols made by them in the town from the 3rd of March onward?

A. Details can be made available.

Q. If a patrol came across an unlawful assembly and dispersed it, would it, upon returning to its headquarters, make a report to this effect and would such a report be recorded?

A. It would certainly make a report and such a report would be recorded.



Q. Was it ever brought to your notice by any patrol that any situation arose which required the use of force but that the patrol in question was not directed to use it?

A. No complaint was made against any magistrate.

Q. Does not the word "supported" in clause (a) of your written statement at page 4 relating to the decisions of the morning of 5th March mean that military contingents were to accompany police patrols?

A. No. It was not implied that military contingents would be accompanying police patrols but they were at no great distance, nor did the police ever ask the military contingents to accompany them.

Q. Did not the words "under their own commanders" imply that military contingents were to act independently of police?

A. No. The military contingents had been under their own commanders even earlier.

Q. Did the Governor in this conference say that the military were to act independently of the police?

A. No.

Q. Was there any change of role, so far as the army went, in the decisions of the 5th of March?

A. No. The army was still to act in aid of civil power.

Q. What action did you take to implement the decisions taken on the 5th of March?

A. The paper containing the decisions was handed over to me on the morning of the 6th, but so far as the action went, the commander of the force, Colonel Alim, who was present at the conference, took it immediately. It was in the form of intensive patrolling with the maximum number of troops.

Q. Was decision (a) taken on the morning of the 5th March implemented so far as the army went?

A. Yes.

Q. Was anything brought to your notice on the evening of the 5th March to justify you in saying that the army were not allowed to discharge its functions?

A. No, and I have never said that.

Q. According to decision (b), if the police could not cope with any particular sector, the senior police officer present was to hand over the charge of the situation in that sector to the army commander accompanying him. Did any army commander bring it to your notice that any particular situation which ought to have been handed over to him, was not so handed over?

A. As it was for the police officer to decide whether the situation should be handed over to the army commander, the question of any such report being made to me did not arise.

Q. Was it for the police to decide whether the situation in the entire city was altogether out of control and that, consequently, it should be



handed over to the military?

A. Yes.

Q. How was the situation on the evening of the 5th March?

A. It could still be controlled by the police. If necessary, the police could have always relied upon our assistance.

To Court:-

Q. Would you include the situation in the Wazir Khan mosque also in that opinion?

A. No. But there they could hand over the situation to the military.

To Counsel contd.-

Q. It was decided on the morning of the 5th March that the police should use intensive force. Did they use it?

A. I have not received any report to the contrary suggesting that they did not use it.

Q. Mr. Chundrigar stated in his evidence that it was agreed in respect of this decision that the military contingents were to use force, but that they were to act under the orders of their own commanders who were to use their discretion under the general directions given by the G.O.C. Has he given a correct estimate of

the decision?

A. Yes, in this sense, that if the police asked for our assistance, it would be available immediately, subject to the instructions to which I have already referred.

Q. Is it correct that on the 5th March, army patrols contacted unlawful assemblies and dealt with cases of arson, loot and stabbing?

A. As regards unlawful assemblies, whenever they sighted an army patrol, they dispersed. As regards cases of arson and loot, whenever timely information was received, action was taken to put out fire and prevent loot. On none of these occasions did it become necessary for the military to open fire.

Q. Did the Governor tell you that he had received a complaint that some army officers had been garlanded and that troops in general were not cooperating with the police?

A. So far as I remember, it was not the Governor himself who mentioned the incident of garlanding to me. It was some police officer who mentioned it at the meeting held at the Government House on the

morning of the 5th March. I emphatically denied it at the meeting. On subsequent investigation I discovered it to be without foundation. Neither the Governor nor any other officer, however, mentioned to me any complaint as to the non-cooperative attitude of the troops.

Q. Mr. Chundrigar says when he mentioned the incident to you, you admitted that there was at least one incident in which a military officer had been garlanded and you had warned your officers and men not to accept garlands. Is this correct? ✓

A. It is true to this extent that an effort was made only once by some members of the public and the effort consisted in the display of flowers from a distance.

Q. Is it true that about this time the agitators were trying to create a rift between the army and the police? ✓

A. I do not say that any such effort was made, but if an impression was created that the troops were not co-operating, it might have been with the object of creating a rift between the two forces.



Q. Mr. Chandrigar says that your view was that "the leaders of the movement were intentionally trying to create a rift between the police and the army by the use of such methods" and that you would issue strict instructions to your men not to fall into the trap. Is this correct?

A. I do not now remember having stated this but if I made this statement, my object was to convey to the Governor that if any person from the public made any effort to garland members of the armed forces, the intention would be to win them over to their side and thus create a rift.

Q. Was it in consequence of any independent information that you told the Governor that some leaders were creating a rift?

A. No. It was only with reference to what I had heard from the police officer at the meeting.

Q. Was it brought to your notice that there had been a complaint that there were occasions when the army should have opened fire but when they did not?

A. No.

Q. Mr. Chundrigar says he told you there was a complaint to this effect, that you inquired into it but that he, namely, Mr. Chundrigar, was satisfied that the occasions to which the complaint referred did not require resort to firing. Is it correct?

A. I think some such complaint was mentioned at the meeting of the 5th morning but there was no inquiry beyond the fact that I inquired from the Brigade Commander who was present at the spot. He emphatically denied it.

Q. Did you speak to the Defence Secretary on an ordinary telephone or the secret-phone?

A. As far as I remember, it was a military telephone, but I cannot be sure that it was not the secret-phone. I can be sure, however, that I spoke to the G.H.Q. on the military telephone.

Q. Can you recall the time when the Defence Secretary first spoke to you?

A. The first telephone call came at about 12.15 p.m. and the second at about 12.45 p.m.

Q. Can you recall the first message?

A. The Defence Secretary asked me as to the situation here

I told him how it was. He said that they had received a ten minutes' notice from the Punjab Government to give a final decision, and inquired of me whether it was true that law and order could not be restored. I said it could be restored if the situation were handed over to the army. He said that the matter was before the Cabinet and that he would ring me up very soon.

Q. Did the Defence Secretary ask you to keep it a secret from the Punjab Cabinet?

A. No.

Q. Can you recall the second message?

A. It was to the effect that the Prime Minister of Pakistan had authorised me to declare Martial Law and to restore law and order.

I informed the Governor and the Chief Minister about both these messages the moment I received them.

Q. Did the Defence Secretary ask you in the first message that you should get prepared for taking over?

A. Yes.



Q. What troops did you employ after the Martial Law was declared?

A. In the walled city, I employed one battalion, consisting between four and six hundred men. Eight to ten thousand men were, however, available for use and were posted in various sectors, including the Cantonments, the town, Shahdara and Model Town. Some of these troops were also used in Sialkot, Lyallpur, Montgomery, Sheikhupura and Okara.

Q. Had you by this time cut off the electricity etc. of the Wazir Khan Mosque?

A. I think the decision about cutting off the electricity was made at night and it was not implemented till about 7 o'clock the next morning.

Q. Were you in effective control of the situation on the evening of the 6th March so as to prevent people from coming in or going out of the mosque?

A. Yes.

Q. Did it come to your notice that even on the 6th and 7th March processions were taken out in the city?

A. No, people were only shouting from house-tops.

Q. You have said in your written statement that "the policy

adopted by the Punjab Government allowed no scope for the army to take an effective action until the declaration of Martial Law". May I suggest that the policy to which you referred was that the army was to act in aid of civil power subject to the directions

of the magistrates who were attached to the patrols and that they could not act on their own initiative?

A. No, I did not mean this. What I meant was that we should have been used for a "suppressive Role", not merely for a demonstrative role, namely, patrolling.

Q. How would you describe a "suppressive Role"?

A. As an instance, curfew was imposed, but it was not enforced, because the police could not deal with it fully. If I had been asked to enforce the curfew order by firing or arresting it would have been effective and the order of Government would not thereafter have been defied. Then, again, the storm-centre, which was the Wazir Khan Mosque area — and in fact the entire walled-city area — was ignored.

If we had been given the "suppressive Role", we would have established posts all over the city and prevented people from coming in and going out of their dens. As it was, whenever the military patrols appeared, people disappeared. If, however, they had not disappeared, the army would have taken action under the orders of the magistrates.

To Mr. Faiyaz Ali, on behalf of the Central Government:-

Q. At what interval did a patrol follow another?

A. At an interval of about an hour.

Q. If you had been asked to assume the "suppressive Role",  
would you have placed the entire Division at the service  
of the Government?

A. Yes. It was already at the service of Government.

R.O.&A.C.

Sd/-M. Munir  
P r e s i d e n t.

17th December 1953.

Sd/-M.R. Kayani.  
M a m b e r.

Proceedings adjourned till tomorrow, the 18th December  
1953, when further examination of Mir Nur Ahmad will be  
continued.

Sd/-M. Munir  
P r e s i d e n t.

17th December 1953.

Sd/-M.R. Kayani.  
M e m b e r.



22nd December 1953.

75th Sitting!

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,  
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Ijaz Ali, for the Punjab Government.

Ch. Muhammad Yaqub Ali Khan, Advocate, for

Mien Mumtaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, for Sadr Anjuman-

1-Ahmediyya Rabwah.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya

Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-

i-ahrer.

Maulana Murtaza Ahmad Khan Maikash, Member,

Majlis-i-Amel, in person.

Mr. Saeed Malik, Amir-i-Jume'at-i-Islami, in

person.

**Figure 1**

Mr. Muhammad Hussein, Superintendent Police, C.I.D.,

is directed:

- 1) to prepare in a tabulated form and in a chronological order a verified list of all incidents in Lahore which were reported to the police from 27th February 1953 to 6th March, 1953. Copies of reports, whether recorded in the register of first information reports or in the daily diary, should accompany the list;
- 2) to prepare from official records a verified list of all important members of the Muslim League who took part in and were arrested or convicted in connection with the disturbances throughout the Province;
- 3) to take into possession records of all resolutions relating to Khatm-i-Nubuwwat passed by any branch of the Muslim League;
- 4) to prepare in a chronological order a summary of all publications since the Partition which tended to create hatred between the general body of Muslims and the Ahmadis or against Government or which

were actionable under law.

The Court gives notice that it will require the parties concerned, during arguments, specifically to address themselves, inter alia, to the following points and cite authorities in support thereof:-

- 1) appearance of Messiah and Mehdi,
- 2) whether the accepted Messiah will be the same person as Jesus son of Mary (Isa Ibn-i-Maryam);
- 3) whether the Messiah and Mehdi will have the status of a Nabi and be the recipients of Wahi or Ilham;
- 4) whether either or both of them will abrogate any law in the Qur'an or the Sunnah;
- 5) in what manner was Wahi communicated to the Holy Prophet and whether Arch-angel Gabriel (Hazrat-i-Jibreel) appeared in a visible form before the Prophet;
- 6) whether the interpretation of Khatim-un-Nabiyyeen put forward by the All Muslim Parties Convention has always been held to be a necessary part of the Muslim



dogma;

- 7) the text in the Qur'an and the Sunnah in support of the politico-religious system which excludes non-Muslims as a foreign element, and the extent of the exclusion — historical references to such system — rights of non-Muslims publicly to preach their religion under their system;— vicarious liability in sin; ✓
- 8) justification of "direct action" (Rast Iqdam);
- 9) publications by the Ahmadis which were offensive to the religious susceptibilities of the general body of Muslims; and
- 10) publications by other Muslims which were offensive to the beliefs of the Ahmadis.

Sd/-M. Munir  
President

22nd December 1953.

Sd/-M. R. Kayani  
Member.

Adjourned till 5th January, 1953, for further proceedings.

Sd/-M. Munir  
President

22nd December 1953.

Sd/-M. R. Kayani  
Member.

Criminal Miscellaneous No:741 of 1953.

P r e s e n t :-

Mr. Ibrahim Ali Chishti, detenu in custody,

Mr. A.R. Changez, Advocate-General, for  
the Crown.

-:0:-

Witness No:2.

Statement of Hafiz Abdul Majid, Financial Commissioner Re-  
Settlement and Colonies, on solemn affirmation:-

Q. It is alleged that you issued instructions to Mir Nur Ahmad,  
Director Public Relations, to send Ibrahim Ali Chishti away  
from Lahore, preferably to Karachi. Is that so?

A. Yes, that is so. ✓

Q. Did you do it on your own initiative or under instructions?

A. This order was issued under the instructions of the Honourable  
Chief Minister. ✓

Q. Do you know why this order was passed?

A. I do not know the exact reason, but the Chief Minister told  
me to do so when we were in a conference in the Government  
House. I did not ask him the reason because we were very  
busy in those days.

Q. Can you guess the reason for this action? ✓

A. My guess is that the Honourable Chief Minister heard some  
stories about Ibrahim Ali Chishti and he thought that instead

of looking into those allegations he should immediately send Ibrahim Ali Chishti out of Lahore for the time being.

Q. Could he immediately not have been suspended or put under detention if there was reliable information of his prejudicial activities?

A. I have not said that there was information of any prejudicial activities on the part of the petitioner.

Q. Was Ibrahim Ali Chishti given any instructions when he was directed to proceed to Karachi?

A. I had told Mir Nur Ahmad to give Ibrahim Ali Chishti an impression that he was wanted at Karachi to undertake some special work in the Ministry of Information. I cannot say what exactly Mir Nur Ahmad said to him at the time of imparting instructions to him.

Q. Did you send any information to Karachi about Chishti's departure from Lahore?

A. My instructions to Mir Nur Ahmad included instructions to the effect that he should arrange it with some responsible person in the Ministry of Information and I was told that he had done that.

Q. Can you be definite of the date on which you communicated your instructions to Mir Nur Ahmad? ✓

A. I am definite that the Chief Minister gave instructions to me before Martial Law was proclaimed in Lahore. I am not



sure, however, whether I gave instructions to Mir Nur Ahmad on the 5th of March or on the 6th of March after the proclamation of Martial Law. I consider it more probable that I instructed Mir Nur Ahmad on the 5th. ✓

Q. The action taken in regard to Chishti, to say that least, was most remarkable. Can you now give any reason why action of such a curious nature was taken?

A. The responsibility for the nature of the action being remarkable is entirely mine. The Honourable Chief Minister merely mentioned to me that there were any number of troubles in Lahore and he would like me to send Mr. Chishti out of Lahore immediately. I said I would not like to take any action which would create further problems for him. I, therefore, suggested that I might send him to Karachi without causing any suspicion on any one's part and that I would like to send him to Karachi if he had no objection. He gave me his consent and I acted in the manner I did. ✓

Q. Did you not enquire from the Chief Minister what Chishti had been doing to merit such a treatment?

A. I did not question him at all.

Q. It has been suggested that Mr. Chishti was sent out of Lahore because it was apprehended that he would "rat" if he came into the hands of the Martial Law authorities. Are you in a position to contradict this? ✓

A. I am not in a position to answer this question, but the probability is that such a suggestion is entirely wrong, because orders were given long before Martial Law was proclaimed.

Q. Was there no information with Government of Chishti's prejudicial activities before he was spirited away to Karachi?

A. No, so far as my knowledge goes.

Q. Have you anything to do with cases in which orders of detention under section 3 of the Punjab Public Safety Act are passed?

A. The subject is dealt with both by the Chief Secretary and the Home Secretary. Often one works in the absence of the other and often both of them work on the same case.

Q. Was this the first time that Chishti's case came to your knowledge?

A. It did come to my notice once that some Urdu papers issued some notice mentioning something about the anti-Ahmadiyya agitation and adding that references could be made to the Department of Islamiat on that question. I made inquiries on that point and found that it was the mischief of the newspapers, otherwise the Department of Islamiat had nothing to do with the matter.



Q. What did the Chief Minister precisely say to you?

A. As far as I recollect the only thing that he said was what I have already stated i.e. that there were any number of troubles at Lahore and I should send Mr.Chishti out of Lahore.

Q. You took this to mean that Mr.Chishti was responsible for any of these troubles ?

A. I cannot say, but this is a possible explanation. The other explanation might be that Government wanted to secure his safety by sending him out.

Q. Why did you not ask the Chief Minister about the reason?

A. My reason for not questioning the Chief Minister was that he and I both were very busy in making arrangements in connection with what was happening in the Punjab at that time.

To Advocate-General, Punjab:-

Q. On the day that the Chief Minister told you to ask Mr.Chishti to go away from Lahore, did he ask you to tell him to go away from Lahore immediately?

A. Yes.

Q. And as such you informed Mir Nur Ahmad on the same day that Mr.Chishti should be taken out of Lahore immediately?

A. I communicated the instructions to him within a couple of hours. I also told him that Chishti should be sent out as soon as accommodation by plane or train was available.



Q. Did he inform you on the same day that Chishti had been sent out ?

A. He did inform me that arrangements had been made, but I cannot say whether he did so on the same day or on the next day.

Q. Would you be able to tell me the time?

A. It was definitely before lunch.

Q. When did you have the talk with Mir Nur Ahmad ?

A. Some time after lunch.

Q. Do you really exclude the possibility that these instructions were sent to Mir Nur Ahmad on the 6th March after Martial Law was declared ?

A. I have said I cannot rule out the possibility, but the probability is that the incident happened on the 5th.

Q. Do you know that Mr. Chishti was distributing certain posters containing the Chief Minister's appeal on the 6th of March ?

A. I have no idea.

Q. Is it a fact or not that Mr. Chishti wrote to you asking for a certificate that it was under the orders of the Central Government that he had been sent to Karachi?

A. I did receive a letter from him some months ago when I was in England and the letter did contain a request of that

kind. I did not send any answer to him, but I communicated to the present Chief Secretary all that I knew about the subject and suggest to him that he might decide whether any answer should go to Mr.Chishti or not.

Q. Do you remember that Mr.Chishti in that letter said that he had been directed on the 6th of March to proceed to Karachi?

A. I do not recollect the exact words contained in that letter.

Q. Is Ex.D.E.303 the letter that you received from Chishti ?

A. Yes.

To Court:-

Q. Did you not say to Mir Nur Ahmad that Mr.Chishti was to leave for Karachi on 6th March?

A. No. What I said to Mir Nur Ahmad was that Mr. Chishti should leave as early as possible.

Q. Was this decision to send away Mr.Chishti from Lahore taken at a Cabinet meeting?

A. Yes, in the sense that all the Ministers were assembled at the time in order to deliberate over the happenings of Lahore and the Punjab.

Q. Was Mr.Chishti supposed to be encouraging the anti-Qadiani agitation?

A. As I have said above, I have no knowledge of it.

Q. But this is stated in your note on Mr.Chishti's letter?

A. This was a mere guess on my part.

Q. When you were sending away Mr.Chishti, did you want to give him an impression that he was being sent away for any extraordinary reason?

A. I have already said that I did not wish to give him that impression.

Q. Then it would not be for any reason connected with his safety?

A. As I have said before, this was my guess as one of the



possible alternative explanations.

Q. If you wanted to send him away for his own sake, would you consider it necessary to mislead him as to the purpose for which he was being sent away?

A. This is a hypothetical question, but still my answer would be that if Mr. Chishti was to be sent away for his own safety, he should have been given the right to select his course of action himself. But then he might have started arguing with me and the action would have been delayed.

Q. You say that one of the possible alternatives was that Mr. Chishti was being sent out of Lahore in his own interest because there was some danger to his safety. From which quarter was this danger apprehended?

A. My answer is pure guess work; but by safety I meant immunity from unnecessary criticism regarding a government servant in respect of what he was actually not doing.

Q. You surely did not apprehend his falling into the hands of the military and his consequent grilling?

A. At that time the question of anyone falling into the hands of the military could not arise.

Cross-examination by Mr. Chishti detenu-petitioner:-

Q. When did you come to know that I was arrested in Karachi?

A. I do not know the exact date, but it was five or six days

later.

Q. Did you not consider a protest against my arrest necessary, you being the head of my department?

A. I did think of it, but I finally decided not to interfere because preventive action is always taken by someone who takes the responsibility for that action. I even talked to the Director of Public Relations and we decided that for the time being we should not make any inquiries regarding the reasons why you were arrested. Mir Nur Ahmad told me a few days later that you had sent him a letter, and it amazed me that a letter could come to him without passing through the hands of the authorities.

To Court:-

Q. Did you connect Mr.Chishti's arrest with the situation in the Punjab?

A. It did occur to me that the authorities at Karachi must have taken into account whatever they knew about Mr.Chishti in connection with the anti-Qadiani agitation in the Punjab and elsewhere.

Q. In the circumstances disclosed, Karachi Administration could have no reasonable apprehension that Mr.Chishti would do something prejudicial in Karachi. Isn't it so?



A. Only the Karachi authorities can answer that.

To Mr. Chishti detenu. contd.-

Q. Considering the position that I had at least ostensibly been sent officially to Karachi, was not there an occasion for protest or at least an inquiry?

A. I may add to what I have already said before, that the fact of your having been sent to Karachi ostensibly on official business could even be proved by you without any protest from me.

To Court:-

Q. Mr. Chishti had been sent to Karachi ostensibly on government business and the Court presumes that the Karachi Administration must have been informed of Mr. Chishti's destination and the object of his visit to Karachi. Two days after his arrival, Mr. Chishti is arrested by the Karachi Administration under the Security of Pakistan Act. Is it not reasonable to presume that the arrest of Mr. Chishti in Karachi was suggested by the Punjab Government?

A. Certainly not. Instructions from the Punjab Government could issue only in one of the following three ways. The first is by oral instructions from a Minister. The second is by an official letter from the Government. The third is



information from the C.I.D. Regarding instructions by a Minister, it is highly improbable because the idea of sending Mr. Chishti to Karachi was not that of a Minister but it was mine. About the official letter, I can say for certain that no such instructions were sent from Lahore. Regarding any C.I.D. information, I have no knowledge.

Q. What about instructions by telephone?

A. I would have no knowledge of it.

Q. You surely did not send any telephonic instructions?

A. I certainly did not give any such instructions.

To Mr. Chishti detained. contd.-

Q. Did you receive any number of letters sent by me from Karachi?

A. As far as I can recollect I received no letter from you till I handed over charge as Chief Secretary on or about the 28th April, 1953.

Q. Did the Punjab Government have any material against me till the 28th of April?

A. I did hear all sorts of things after the 6th of March and before the 28th of April. The Central Government made inquiries and demanded an explanation

from the Department of Public Relations regarding Mr. Chishti's alleged activities.

Q. Was any definite thing ascertained in consequence of these inquiries?

A. Nothing conclusive had happened till I handed over charge.

Q. Could you make a valid order of my dismissal without notice to me?

A. You held a temporary appointment which was sanctioned for a limited period. If the term of the post was not extended, then your appointment terminated on the date on which the term expired.

Q. Do you know, as the head of my Department, that before I left for Karachi, the post had already been sanctioned for the financial year 1953-54?

A. I have no knowledge but a post like this could not be sanctioned before the end of 31st March 1953. Administrative approval, however, could be given even before the close of the financial year.

R.O. & A.C.

Sd/-M.Munir.

5th January 1954.

Sd/-M.R.Kayani.

5th January 1954.76th Sitting.

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member.

-:oOo:-

Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz Ali,  
for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for Mian  
Muntes Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by Mr. Ghulam  
Murtaza, Advocate, for Sadar Anjuman Ahmadiyya  
Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya  
Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. Nazir Ahmad Khan, Advocate, for the Juma'at-i-  
Islami.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-  
Anar, in person.

-:-:-:-

WITNESS NO: 131 (called by the Court):

Hafiz Abdul Majid, former Chief Secretary, Government of  
the Punjab, on solemn affirmation:-

I have already submitted my written statement on this  
Court's terms of reference.



- Q. You have said in your written statement that no ideological effort was made by the "provincial authorities" for preventing the disturbances. Please state what provincial authority you were referring to and what precise effort they should have made?
- A. The provincial authorities in my mind were the Provincial Government as such and also the leaders of various political parties in the Province. I cannot say what ideological action any of them should have taken but I am aware of the fact that none of them took any action of the kind.
- Q. Did you have in view the precise character of the ideological effort that should have been made to counteract the agitation?
- A. I have my personal views on the subject and I can state categorically that any person who describes himself as a Muslim must be accepted as a Muslim. This, in my opinion, can be the only solution if Pakistan is to be a living nation. Another way of stating the same matter would be that any person who recites the Kalima Tayyiba must be accepted as a Muslim and

that any effort to create a split between the Kalimagos and those who profess themselves to be Muslims, is an anti-social act.

Q. Was any clear scheme of cooperation between the Army and civil power ever discussed and decided upon in your presence?

A. No.

Q. Were the Military expected to act independently?

A. They had responsibilities and duties under the law and there was nothing to stop them from acting according to the law.

Q. Are you aware of any instructions to the Military to act in aid of civil power?

A. No.

Q. Are there any written instructions to the civil authorities as to how they are to invite the assistance of the Military?

A. I have no knowledge of any written instructions on the subject. This is one of my reasons for referring to this matter in my written statement. I have come

across a pamphlet of instructions but the instructions do not contain any details of the manner in which the necessary cooperation should be brought about.

Q. Please look at decisions Nos: 2, 3 and 4 arrived at the meeting of the Cabinet held at the Government House in the forenoon of 5th March 1953 and say whether these left any discretion to the Military to act independently?

A. Despite these decisions, I am of the view that these did not exclude the responsibility of the Military to act in a situation which made action by the Military necessary especially if the police was not there.

Q. The position taken by the Military is that according to these decisions, they were to act only if required by the civil power to act and that they could not act independently.. Do you agree?

A. No, I do not. The decisions were taken on the 5th of March and what was happening before that date had also to be looked into. These decisions were an effort to bring about some working arrangement when the forces



of the law were available both in the shape of the Army and the Police.

Q. Were police patrols under the arrangements mentioned in the record of the decisions taken in the meeting of 5th March to be accompanied by Magistrates and could the Military go about patrolling alone, i.e., without being accompanied by police patrols and Magistrates?

A. As regards the police patrols being accompanied by Magistrates, the decisions taken are silent but presumably the normal practice was to be followed, namely, that the District Magistrate would be generally in charge of what the police were doing and his subordinates would be assisting the police whenever possible and necessary. The decisions are silent on the point whether the Military could go about patrolling alone, i.e., without being accompanied by police patrols and Magistrates. My

interpretation of these decisions is that the Military were free to go about patrolling independently. There was also nothing to stop them from going with the police or with the Magistrates.

Q. What gave the impression that the Military were not keen to support the police and wanted to introduce Martial Law?

A. What I said was not that the Military wanted on 5th March that Martial Law should be imposed but that they wanted power of taking control without any possibility of interference from civil authorities. In fact the whole meeting and the trend of the decisions was based on this impression in the minds of the civil authorities. This aspect of the matter was quite clear to all persons present at the meeting.

Q. But you say that the Military were not keen to support the police. What gave you that impression?

A. This was the impression gained by people like the Governor, the Chief Minister, the Home Secretary, the I.G. Police and myself on account of what we had seen on the 1st, 2nd, 3rd and 4th of March, and

also on account of what we had heard during our discussions with the Army officers. One noticed that they were reluctant to accept the position that what they called an Assistant Sub Inspector of Police could be a commander of their men. Though the Army were in no way antagonistic to the civil authorities, yet they thought that they should be in control. The need for the meeting on the 5th March was partly due to these impressions in the minds of the civil authorities. These decisions, however, were not given a fair trial.

Q. Were any instances of lack of support by the Military brought to your notice?

A. I have merely said that the Military authorities did not take any action beyond patrolling here and there. If the situation needed a particular kind of action and any Military officer thought that the civil authorities were not dealing with the situation effectively, it was open to those



officers to make the suggestions to us. They did not seem interested in what was to be done. That impression was the root cause of all these differences of opinion. It may be due to lack of experience or lack of adequate training or adequate joint training. This fact was noticeable that while the purpose of the two forces was the same, yet the impression in the mind of one was that the other was not rightly interested.

Q. Was there a Cabinet meeting or conference at the Government House on the evening of 5th March?

A. Yes, there was a meeting in the Governor's office.

Q. Who were present at that meeting?

A. I am sure of the presence of all the Ministers, the Home Secretary, Inspector-General of Police and myself. I am not absolutely positive that the Governor was there. I am also not sure whether Major-General Muhammad Azam Khan was there.

Q. Did you see Malik Habib Ullah in that meeting?

A. I cannot say for certain.

Q. Was there any talk about a "let-up" in firing in that meeting?

A. The word "let-up" was mentioned once, but the decision taken on that day was that we should not in any way provoke the masses into rioting, because the next day, which

was a Friday, seemed to be the crucial day on that account.

This attitude was considered proper because it was

reported that there had been no incident on the afternoon

of the 5th March, but there was no indication that firm

action was not to be taken in cases where it was necessary.

Q. Can you say who used the word "let-up"?

A. The Inspector-General of Police, Mr. Anwar Ali.

Q. Did he use it by way of a suggestion?

A. He suggested that there should be a let-up in firing.

Q. Were you when the draft of the appeal of 6th March was being discussed?

A. I was in the Government House, but I was not in the room where the draft was being discussed. In fact I did not know that such a draft was being discussed.

Q. Did you get the impression that you had been intentionally ordered out?

A. No. The Ministry might not have been aware that I was present in the Government House, but they should, however, have known that I was there, because the Home Secretary and myself had reached the Government House together after having been confronted with the striking clerks in the Secretariat and the Home Secretary must have reported this incident to the Ministers.

Q. It has been said that some of the District Magistrates and the Additional District Magistrates presided over anti-Ahmadiyya meetings. Did any such incident come to your notice?

A. No.

Q. Did the police report any such incident to you?

A. No.

Q. What was your connection with the Department of Islamiat?

A. That Department counted as part of the Public Relations Department of which I was the Administrative Secretary.

Q. What were the aims and objects of this Department?

A. When this Department was reconstituted in 1951-52, it was intended as an effort to bring the various sects of Muslims together in order to make non-controversial Islamic matters better observed and better known in the Province.

Q. Did the various sects include Ahmadis?

A. The question did not arise, but I think even Ahmadis were understood to be included.

Q. Did it come to your notice that several lecturers, who were being paid by the Department of Islamiat, were preaching anti-Ahmadism and were members of the Majlis-i-Islam?

A. I was not even aware that lectures were being arranged at Government expense. So I did not know at any time that these lecturers were taking part in the anti-Ahmadiyya agitation.



On the other hand, I did notice that some people, who were connected with the movement, were members of the Islamiat Board.

Q. Did you have anything to do with the Adult Literacy Fund?

A. I had nothing to do with the Adult Literacy campaign as such, but I could always take any interest in any department, being the Chief Secretary.

Q. Who is in charge of the Education Department?

A. The Director of Public Instruction who is ex-officio Secretary to Government in his own department.

Q. Did it come to your notice that vast amounts of money allocated to the Adult Literacy Fund were distributed to the "Afaq", the "Meghribi Pakistan", the Zamindar and "Ehsan", papers which were taking active part in fanning the agitation?

A. Yes, but I hope I would not be understood to mean that the money was given for fanning the agitation.

Q. Why did you not withdraw the subsidies after you found that these papers had been fanning the agitation?

A. Subsidy to a particular paper was given in the form of a contract to purchase a certain number of its copies for a prescribed period. During that period the question of withdrawing the subsidy would not arise. Of course at the time of renewing the subsidy this question could be taken up.

Q. Mir Nur Ahmad has stated that the subsidies to these papers were in the nature of political expenditure. Do you agree?

A. I would agree that the expenditure is in the nature of political expenditure, but the politics involved would be the politics of the Government.

Q. Do you think that the money spent in purchasing copies of newspapers could be rightly debited to the Adult Literacy Fund?

A. The question of debiting is merely an accounting procedure. There is a thin argument in favour of expenditure on the subject of Adult Literacy, but the desirability of spending money in respect of certain newspapers is obvious. Government does need a certain amount of support from the public press in respect of the activities in which the Administration is interested. The total amount spent on buying the copies of the newspapers every year is a small portion of the total expenditure of the Government and one would say that our circumstances justify expenditure of this kind. This expenditure would be incurred on publicity.

Q. Was not the stifling of public criticism one of the objects with which the money was spent?

A. My answer would be that the primary object was not to stifle

criticism but to obtain support. In a properly civilized and advanced country a question like this would not arise, but the intelligent public would always support a good thing and would be free to criticise bad things. In our country, however, the sense of values is all wrong in the journalistic world.



Cross-examination by Mr. Mazhar Ali Azhar on behalf of  
Majlis-i-Ahrar :

Q. You have said that the incidents of 2nd, 3rd and 4th necessitated the meeting of the 5th in which it became necessary to discuss the question of cooperation between the military and the civil power. Were you satisfied with the decisions taken in the Cabinet meeting held on the morning of 5th March?

A. They were satisfactory from my point of view.

Q. Are you aware that the instructions to the military, while acting in aid of civil power, require a magistrate to accompany the military?

A. I am not aware of any such instructions.

Q. Did it come to your notice that on the 4th March 1953, the District Magistrate of Lahore decided to hand over to the military?

A. No such decision came to my notice.

Q. Did you expressly tell the military that they were to act independently?

A. The only time when I had a discussion with any army officer on this subject was at about midday on the 6th March when Major-General Muhammad

Azam asked for my advice regarding what should be done.

The answer I gave him was that he knew his powers and responsibilities and it was up to him to take action according to law, but if he had any difficulty regarding interpreting the law, I would be glad to give him advice. He did not bring any difficulty to my notice.

Q. Have you read the Home Secretary's statement where he refers to certain suggestions having been made by him to you on the 6th? Did he make any such suggestions?

A. Yes, but he is not right in saying that I kept quiet.

I conveyed my first impression to him that his suggestions would not work. In my opinion the declaration of the Ahirer or any other party as an unlawful body (one of the suggestions made by the Home Secretary) does not stop the unlawful activities of its members.

Q. Why did you not consider as workable the second suggestion of the Home Secretary, — the inducing of the Maulvis to come out into the open and condemn lawlessness to be possible?

A. I thought that the atmosphere at that time would not allow any such step to be taken because on the previous day a Maulvi had sabotaged all efforts to appeal for the restoration of law and order.

Q. Who was he?

A. Maulana Abul Ala Maudoodi.

Q. Why did not you ask any Ahrar or other leader, as suggested by the Home Secretary, to make a statement condemning lawlessness?

A. In my opinion finding a Maulvi to do any such thing would have been an impossibility.

Q. Why did you not agree with the fourth proposal by the Home Secretary that the situation should be handed over to the Military?

A. I do not think he emphasised this suggestion; otherwise the proper thing to deal with the situation on that day was that the Army should be used to a greater



extent than before and that there should be no hesitation in curbing lawlessness in a violent manner. (Witness volunteers the following sentence.) One of the suggestions made by the Home Secretary was that Chaudhri Muhammad Zaferullah Khan should resign. Since this was a part of the solutions that he suggested, I did not agree with these suggestions as a whole.

Q. Did it come to your notice that the I.G.P. had presented the S.S.P. before the Chief Minister to say that firing should be discontinued and that an appeal should be made to the public on the basis that their demands would be conceded?

A. I did hear something about it about an hour after the Chief Minister had issued an appeal. I was told that the S.S.P. had mentioned to the Chief Minister that the situation was out of control and was likely to improve if the crowds were appeased or mollified.

Q. Did not the I.G.P., the Home Secretary or any of the Ministers mention to you the fact that an appeal was being drafted?

A. I met the Home Secretary in a verandah of the Government House when he was going from one room to another. He told me that some draft was being prepared. He did not

mention that it was the draft of an appeal to the public.

I also knew that some telephone calls were being made to and received from Karachi.

To Court:-

Q. Did you not feel, when you were excluded from the public meeting by the Ministers or when you were barred from the room of the Governor's Secretary, where the microphone is located, that you were not being treated as part of the Government machinery?

A. No.

Q. Would you not feel in that case that you would be interested in the draft of anything that was proposed to be issued by the Government?

A. If I had shown any curiosity, it might have impeded the Home Secretary in the work assigned to him.

To Mr. Mazhar Ali Azhar (continued):-

Q. May I know as to where you were sitting at 10 o'clock in the Government House?

A. Most of the time I was in the verandah. At one time I was talking to H.E. the Governor and at another I was talking to other persons whom I could meet.

Q. Did you have any talk with the Inspector-General of Police and other officers connected with the Administration?

A. I did not talk to any one, nor enquired what was happening. This was so because I was called inside the room of Ministers.

Q. What time was it?

A. It was about 12 o'clock or may be 11.30 a.m. The appeal of the Chief Minister had already been issued. In fact I had seen the appeal before I was called in.

Q. Why were you called in?

A. I was called in because a number of things were discussed.

Q. Did you protest to the Chief Minister that you had not been consulted?

A. I did not protest, but I understood him to mean that he had consulted the Prime Minister. He also said that he had been waiting for several minutes for an answer from Karachi, but having not received the answer he had issued the



statement.

Q. Did you complain to him of your not having been consulted?

A. No, because I had no right to do so.

Q. You have said in your written statement that after the appeal had been issued there was no alternative left but for the military to take over?

A. Yes.

Q. Why did you then disagree, in the first instance, with the Home Secretary's suggestion to this effect?

A. I hope I have not been misunderstood. The Home Secretary talked to me in the car regarding this, and his suggestions were of an informal character. They were roughly of the kind, "Will not the agitation stop, if such and such things happened?", and my answer was that these things were not likely to be practical. His suggestion that the army should be used was always agreed to by me. In fact my opinion now is that the only thing that the Provincial Government could do on the 6th March was to hand over the situation to the army. This could be done even without the proclamation of Martial Law.

Q. Did you have any talk with the Chief Minister when you went to the Government House at 10 a.m.?

A. I had no talk with him on the morning of the 6th till after he had issued his appeal.

Q. Did you not consider the advisability of informing him that the situation should be handed over to the army?

A. If he had consulted me regarding the steps which should be taken, I would have suggested to him to use some force and, if necessary, to make over the situation to the army. In fact this was the advice which I gave to H.E. the Governor.

Q. You have stated in your written statement that the situation took an unexpected turn within a week of the starting of the movement. Is it so?

A. Yes.

Q. Will you agree with me that on the 27th and 28th February and 1st March there happened nothing unexpected?

A. I would say that we were expecting some processions, but the processions were getting worse and worse during these three days.

Q. Was the situation worsened by these processions?

A. The processions themselves assumed a worsening character as the days passed.

Q. Will you agree with me that frenzy was created by these processions?



A. Not only by the processions but by the meetings of the Majlis-i-Tahaffuz-i-Khatm-Nubuwwat and the Majlis-i-Amal.

Q. Why did you not ban the processions?

A. The District Magistrate bans them and it was considered by officers concerned with law and order in the beginning that processions threatened by the agitators should not be banned. But when the processions were found to be increasing in violence he imposed the ban.

Q. Did the situation become serious on the 2nd and 3rd March?

A. I think it was sufficiently serious, because processions were continuing in spite of the ban and the propaganda of the Direct Action Committee was not stopped. The agitation was continuing as before. Perhaps no killing had occurred on the 2nd or 3rd.

Q. When you decided to impose the ban, why was not the ban applied to the walled city?

A. The ban was imposed by the District Magistrate and he should be asked this question.

Q. Did you not raise an objection regarding the exclusion of the walled city from the application of the ban?

A. I did not.

Q. Did you decide before the Convention of 13th July that it should not be interfered with and that contacts should be



made after the meeting?

A. This was the decision we took.

Q. Did you contact any one after that?

A. I do not know about it, because I was on leave.

Q. How long were you on leave?

A. I think it was 16 days' leave.

Q. And thereafter?

A. Thereafter I came to duty.

Q. Did you learn anything about it after your return from

leave to Lahore that some sort of compromise had

taken place between the shrair and the Government?

A. Yes.

Q. Was there any other party to the compromise?

A. I do not know.

Q. You have stated in your written statement that the res-

pensibility for the disturbances lies with those who wanted

the demands against the Ahmadis to be accepted. Who were

those persons whom you consider to be responsible?

A. All those who put forward the demands referred to above with

a view to their being accepted were responsible.

Q. Do you include in this category those who were arrested in

Karachi?

A. Yes, because they were those who coined the words "rust idam" as a translation of the words "Direct Action" and they were the ring-leaders of the movement. They were playing with fire.

Q. Do you know why all those, who were parties to the passing of the resolution of "rust idam" on 18th January at Karachi were not arrested?

A. I do not know the reasons why some of them were not arrested. My individual opinion is that each one of them should have been arrested.

Q. You have said in your written statement that the Ahrar acted with ulterior motives. What were those ulterior motives?

A. The Ahrar raised religious questions in order to gain political advantage.

Q. Is it a fact that the Ahrar had give up politics since 1949 and had aligned themselves with the Muslim League?

A. I have no personal knowledge, but I have heard of this.

Q. Do you know that during the elections of 1950-51 to the Punjab Legislative Assembly, the Ahrar supported the Muslim League?

A. I do not know. I was away in those days.

Q. How long were you away?

A. I was away for two months from the 11th February to the 11th April.

Cross-examination by Maulana Murtaza Ahmad Khan Maikash,  
on behalf of Majlis-i-Amal:-

Q. How long were you the Chief Secretary?

A. From 19th August 1947 to 1st October 1948, then from 1st June 1949 to 11th February 1951, and then from 11th April 1951 to 28th April 1953, with a break of sixteen days' leave in July 1952.

Q. Did any activities of the Ahmadis which were a threat to the peace of the Province, come to your notice?

A. The speeches or statements of Ahmadis which were alleged to be objectionable, were examined by us on a number of occasions but we never found any of them actionable. In fact, I formed a definite opinion that the Ahrar in this controversy were the aggressors and the Ahmadis were on



the defensive.

Q. Did you ever issue any instructions to the Deputy Commissioners requiring them to restrain such activities on the part of the Ahrar and the Ahmadis?

A. I think the Punjab Government issued several directives on the subject, some of them being under my own signatures.

Q. Did you in all those directives treat both parties on the same footing?

A. Government never indicated to the District Magistrates that one party was the aggressor and the other was on the defensive, but they gave them instructions how to deal with the controversies which arose between the two parties.

Q. I refer you to the following passage in your letter dated the 5th June 1952, on the subject of Ahmadiya-Ahrar controversy, which was issued to all District Magistrates:-

"On the other hand the Ahmadiya community, in spite of the undisguised hostility of a section of the public or probably because of it, insist on holding their tableegh conferences frequently and in public. This attitude only succeeds in provoking fresh outbursts against themselves."

Does it not show that the Ahmadis were as much to blame as the other party?

A. It does not show that. Actually it is an indication of the same trend of thought as I have mentioned above, i.e. one party was the aggressor and the other was on the defensive.

Q. In your written statement you have called the leaders of Tahaffuz-i-Khatm-i-Nubuwwat movement as mullas. What do you mean by a mulla?

A. A mulla, in my opinion, is a person whose knowledge of religion is very much less than he poses to the public and who is opposed to all ideas of progress in a country like Pakistan.

Q. Do you know that the Ahmadis use the term "mulla" in contemptuously describing the Muslim Ulama?

A. I do not know.

Q. Did you come across the following article in the "Alfazi" dated 15th July 1952:-

"خونی ملا کے آخری دن"

A. I think I did.

Q. You have described the leaders of the anti-Ahmadi agitation as persons with "bigoted beliefs". May I ask you to explain what you

intended to convey by these words?

A. Bigoted beliefs are beliefs which one entertains without ever finding the reasons for those beliefs.

Q. Do you consider the Ahmadis also as a bigoted people?

A. Yes, if the Ahmadis believe that those who do not believe in the prophethood of Mirza Ghulam Ahmad, are kafirs.

Q. How long were you in Karachi before you left for Europe?

A. For about twenty days.

Q. Was there not in those days a movement in Karachi among the "enlightened" people that mullas should be downed?

A. I had found that a certain amount of protest against the Mullas was noticeable in Karachi.

Q. Did it ever come to your notice that an Ahmadiyya meeting was presided over by a Civil Judge?

A. Yes.

Q. Was he an Ahmadi?

A. One should presume that.

To Mr. Nazir Ahmad, counsel for the Juma'at-i-Islami:-

Q. Were you present in the Government House on the 5th



when the Governor made an appeal for peace?

A. Yes. I was present at that meeting for some time until the Home Secretary, the I.G.P. and myself were asked to go out.

Q. Was any draft prepared in your presence?

A. No, but after we were asked to go out, I understood, a draft was prepared.

Q. How did the prominent citizens assembled at that meeting respond to the Governor's appeal?

A. Before I left, I heard three speeches, one by Maulana Maudoodi, another by Ahmad Saeed Kirmani and the third by Shamin Husain Qadri. Mr. Ahmad Saeed Kirmani was almost praising the manner in which the police had met the situation. Mr. Qadri was critical and also wanted certain rumours to be investigated into Maulana Maudoodi, in my opinion, sabotaged the purpose of the meeting.

Q. What did Maulana Maudoodi say in his speech?

A. He said that the responsibility for the situation getting worse in Lahore lay on the shoulders of the

police who had decided to become harsh in their dealings with the public so much so that they had brought about a regular civil war between the Government and the governed. He proceeded to say that unless Government decided to accept the public demands or to agree to consider them immediately, he could not be a party to any appeal which might be contemplated for restoring law and order.

Q. Did anyone contradict this view of Maulana Maudoodi?

A. Two other speeches were made after that by Maulana Maudoodi. Mr. Ahmad Saeed Kirmani contradicted Maulana Maudoodi in respect of the behaviour of the police. In fact he cited certain instances in which the forbearance of the police was admirable. Mr. Qadri's speech made no reference to what Maulana Maudoodi said.

Q. How do you say that Maulana Maudoodi sabotaged the purpose of the meeting?

A. I think the very line that he took was opposed to any idea of appealing for restoration of peace.

Q. Did all those who were present agree with Maulana Maudoodi's views?

A. I do not know.

Q. What was the draft that is said to have been prepared in your absence?

A. We learnt that Maulana Maudoodi had prepared a draft of a statement which he wanted to be issued by the Government. That draft included an acceptance of the anti-Ahmadiyya demands as a precedent condition.

Q. Who gave you this information?

A. I think it came out during my talk with the Governor of the time.

Q. Did you consider the advisability of taking any action against Maulana Maudoodi for this act of sabotage?

A. He repeated his statement in the "Tasneem" of the 6th. The Punjab Government took it up and this was the basis of his conviction by the Special Military Court.

Q. I put it to you that what was published in the "Tasneem" was not Maulana Maudoodi's statement but a resolution of the Majlis-i-Shura of the Juma'at-i-Islami?

A. What was described as the Majlis-i-Shura's resolution



was a reproduction of the speech which he had made at the Government House. Its actual draft in the handwriting of Maulana Maudoodi was produced in the Special Military Court. The "Tasneem" of the same day also contained a public statement of Maulana Maudoodi roughly on the same lines.

Q. You have said in your written statement that the Punjab Government did not clarify its position regarding the ideological stand to be taken regarding the Khatm-i-Nubuwwat movement. Did you in July 1952 or onwards make any concrete proposal to the Government as to how the worsening position should be dealt with?

A. I did not make any suggestions on this subject to the Provincial Government but during verbal discussions I did suggest that punitive action should be taken against the Ahrar and their confederates.

Q. Why did you not suggest any ideological action?

A. Some discussions took place at different times and whenever I raised the issue that something should be done on the ideological level; the answer given was that the Central organization had to form an opinion

on the subject.

Q. If a sect of Muslims cut themselves off the general body of Muslims socially and religiously, would you call that sect an anti-social element?

A. An anti-social element is an element which produces disorder in society, but if a set of persons decides not to have anything to do with the rest of the humanity, they do not automatically become anti-social. They become unsocial.

Q. I put it to you that the Ahmadis having defined themselves as a sect of Muslims separate from the general body of Muslims socially and religiously have created administrative problems in the Punjab?

(The question is based on assumptions which have not so far been clearly proved. Disallowed.)

Q. Did you disapprove of the communique issued on 6th March?

A. It is not for me to approve or disapprove of an action which the Government decides to take. I certainly did not like the manner in which this appeal had issued and I made this quite clear to the

Chief Minister at the very first opportunity.

Q. Did it not strike you as somewhat odd that you were not required to be present when the terms of the appeal of the 6th were being decided upon?

A. It depends on the circumstances in which the statement was being prepared. On the 6th it was clear that the Chief Minister was agitated and busy.

Q. Was the atmosphere in the Government House on the 5th and 6th panicky?

A. It was panicky on the 6th, not on the 5th.



Q. You have stated in your written statement that the army did not fire. Did you intend to say that the army was required to fire and they did not do so?

A. My written statement should not be taken beyond what it states. I have merely said that in fact the army never fired.

Q. You have said in your written statement that lack of experience and training has been responsible for the two forces being less effective than they should have been. Do you still stick to that opinion?

A. Yes.

Q. Has there been any general meeting between the civil and military authorities ever since the Partition with regard to such eventualities?

A. I have never been present at such a meeting, but the Inspector-General of Police, who is the Punjab's liaison officer with the army, must have held discussions on those subjects which are concerned with the internal security of the Province.

Q. In your statement you have said that the situation could be handed over to the army without the introduction of Martial Law. What is the authority for this statement?

A. I did mention it to the Governor that such a thing could be done without the introduction of Martial Law. What I meant

to say/<sup>was</sup>that the army should undertake to restore law and order while the Civil Government was still in power and the army could do it if they were willing and if we were willing. The army are empowered to quell riots.

Q. Do the army quell riots at the request of the civil authorities or of their own?

A. Under the Code of Criminal Procedure the army have power to quell riots.

Q. When did you give this advice to the Governor?

A. At about 10.30 a.m. on the 6th of March.

Sd/-M. Munir  
PRESIDENT

5th January 1954.

Sd/-M. R. Kayani  
MEMBER.

Proceedings adjourned till tomorrow, the 6th January 1954, when examination of this witness will be continued.

Sd/-M. Munir  
PRESIDENT

5th January 1954.

Sd/-M. R. Kayani  
MEMBER.

6TH JANUARY, 1954.77th Sitting.

P r e s e n t :-

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member.

-:oOo:-

Mr. Fazal Ilahi, Advocate, assisted by  
Mr. Ijaz Ali, for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for  
Mian Muntaz Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for the  
Juma'at-i-Islami.

Mr. Mazhar Ali Azhar, Advocate, for the  
Majlis-i-Ahrar.

Mr. Fateh Muhammad Aziz, Advocate, for  
Ahmadiyya Anjuman-i-Isha't-i-Islam.

Mr. Bashir Ahmad, Advocate, assisted by Mr.  
Asadullah Khan and Ghulam Murtaza,  
Advocates, for Sadr Anjuman-i-Ahmadiyya,  
Rabwah.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

-:oOo:-

Statement of Mr. H. A. Majid, Witness No: 131,

(continued) on S.A. — .....



Cross-examination by Mr. Nazir Ahmad Khan, Advocate, on behalf of Jama'at-i-Islami, resumed:-

Q. I put it to you that what Maulana Maudoodi said in the course of his speech on 5th March was not that the demands should be accepted but that the door for further negotiations should be left open?

A. I also said yesterday that Maulana Maudoodi wanted a declaration that the demands would be considered or accepted. My recollection is that he made an assertion on both the points.

Q. Did not Maulana Maudoodi say the following:-

"آپ کم از کم یہ اطمینان دلانی کہ ان مطالبات کے بارے میں پبلک کے نمائندین کے ساتھ گفتگو کی جائیگی اور اس گفتگو کے نتائج تفصیل کے ساتھ عوام کے سامنے لائے جائیں گے۔ یعنی ان کو بتایا جائیگا کہ اگر حکومت ان مطالبات کو نہیں مانتی تو کیوں نہیں مانتی"

A. Yes. This is what he said in substance.

Q. Did not Maulana Maudoodi say the following when he referred to a civil war:-

"اب درحقیقت گورنمنٹ نے ایسی پوزیشن پیدا کر دی ہے جو سول وار کے مترادف ہے"

A. I do not think he said this. Instead he stated what I described yesterday.

Cross-examination by Mr. Fazal Ilahi, Advocate, on behalf of the Punjab Government :-

Q. You have said in your written statement that the Prime Minister of Pakistan should have made it clear to

the people that he had no intention of dismissing his colleague, namely, Chaudhri Muhammad Zafarullah Khan. I put it to you that your own view on a previous occasion was that the Prime Minister should not make any such statement?

A. No. I hold no such view.

Q. In your note dated 5th July 1952 in File No:5331 you say "It is clearly inappropriate to suggest to H.P.M. that he should give a pronouncement on the point whether the Hon'ble Foreign Minister enjoys his confidence." Is not this view different from the one you have expressed now?

A. The two statements are not inconsistent.

Q. Did you ever communicate to the Chief Minister the view that you expressed yesterday that every kalima-go is a Muslim?

A. This particular question was never discussed in detail by the Hon'ble Chief Minister with me or by me with him.

Q. When you say in your written statement that the Provincial authorities did not make any ideological effort to counteract the agitation, did you mean to say that the Provincial Government should have



unequivocally declared that every kalima-go has to be treated as a Muslim?

A. What I really meant was that when the agitation was going on, the Provincial Government's feeling was that it was for the Central Government to take decisions on the subject. Therefore, they did not enter into the subject of ideology or of making an approach to the subject for publicising a simple statement of that kind regarding who was a Muslim.

Q. What do you mean when you say in your written statement that the army was standing by?

A. The army personnel was posted within the limits of the town and was ready for use in connection with the disturbances.

Q. Did you see the daily situation reports that were sent to Karachi?

A. They were not seen by me or approved of by me before they were issued but I always read them after they were issued. I was one of the recipients of a copy and the Central Government was also the recipient of a copy.

To Court:-

Q. You have said in your written statement that the civil authorities could be blamed only if they prevented the



army authorities from going into action wherever it was necessary for the army to open fire. Did any incident come to your notice where it was necessary for the army to open fire but where they did not?

A. No.

To Counsel contd.—

Q. Did the following in the situation report dated 7th March 1953 (Annexure Y-3 to Home Secretary's written statement) describing the incidents from 2nd to 7th March, come to your notice:-

"The G.O.C. 10 Division was contacted to order the troops to stand by. He was also asked to send out mobile patrols, but the troops were not to go into action until requested to do so by civil authorities."

A. I must have seen these words at the time when the report was read by me.

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To Court:-

Q. Do you know if there is a pamphlet named "Combined Civil and Military Action" containing instructions for the cooperation of the civil and military acting in contingencies?

A. I have not come across any such publication.

(Ex.D.E.304 shown to the witness.)

To Counsel continued:-

Q. Are you aware that there is in force what is called Lahore Emergency Disturbances Scheme of 1951?

A. There must be some such scheme in the office of the I.C.P.

To Court:-

Q. Was the operation of this security scheme for Lahore considered during the disturbances?

A. I have no knowledge of the manner and the details in which the scheme was to be operated.

To counsel continued:-

Q. Were the Ahrar leaders administered any warnings?

A. Yes, several times.

Q. Did they ever give any undertaking not to repeat what

they had been doing earlier?

A. As far as I recollect, they were not asked to give any assurance before the compromise of July 1952. On that occasion they gave an assurance to the then Chief Minister.

Q. Did you ever suggest that some Ahrar leaders be detailed under section 3 of the Punjab Public Safety Act?

A. I might have done so or I might have suggested some other preventive action against them.

Q. Do you know that the prosecutions of Manzur Ahmad, Karemat Ali and Bashir Ahmad for their activities in connection with the anti-Ahmadiyya agitation were recommended by the District Magistrate, Sialkot, and that the Government declined to prosecute them?

A. I have no recollection of any such case.

(File No:16(19) 145 of Sialkot district produced at this stage.)



Q. Don't you know that Mr. Mushtaq Ahmad Cheema, Deputy Commissioner, Montgomery, and Mr. Masood Ahmad, Deputy Commissioner, Muzaffargarh, presided over public meetings held in connection with the Tahaffuz-i-Khatm-i-Mubuwwat Movement?

A. It is correct that Mr. Mushtaq Ahmad Cheema was reported to have presided at a conference which had been arranged by the Shrer. He however reported to Government that he had understood the meeting to be a Civil Defence meeting. If I remember rightly, Government reprimanded him for having presided at that meeting and informed all District Magistrates that they should avoid such a thing happening in their districts. Mr. Masood Ahmad, Deputy Commissioner, Muzaffargarh, was in the habit of making public statements and public speeches on political and controversial subjects and he also was reprimanded for this.

Q. When a decision was taken by the Central Government to meet "Direct Action", did you issue instructions to the District Magistrates that they should use all resources to put down the movement?

A. Yes. As soon as we got orders from Karachi we issued the necessary instructions to all District Magistrates.

To Mr. Muhammad Yaqub Ali Khan, Advocate, on behalf of  
Mian Muntaz Muhammad Khan Daultana:-

Q. Do you agree that in order effectively to deal with the anti-Ahmadiyya agitation it was necessary for the Government to formulate its policy as to whether the Ahmadis were outside the pale of Islam and similarly as to what was the attitude of the Government towards the three demands?

A. I do not understand the import of the question, but I would say that it would be possible for Government to stop the agitation even when they had not taken a decision on the above points. One way of stopping the agitation for Government was to persuade the public that all kalimagoes should be accepted as Muslims, in which case the problem would have solved itself.

Q. You have said that it was necessary to have made an ideological effort. Was it not necessary for the Government to define its attitude towards the genesis of the agitation and the three demands before it could make any political or **ideological** effort effectively to deal with the agitation?

A. I quite agree that the Government could not put up an ideological effort unless they had definite views on the subject.



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Q. Would you agree that so far as the three demands are concerned it was necessary to inform and educate public opinion as to what was the Government's view on those demands?

A. My opinion is that the decision of Government on at least two of the demands should have been given very quickly. The two demands related to the removal of the Foreign Minister and the Ahmadi officers. On the other question relating to the Ahmadiyya community being declared a minority community I quite see that Government could not give a decision because only the Constituent Assembly could give a decision. But a seasoned politician should have been able to express his views on the point whether the Ahmadis should or should not be declared a minority community.

Q. Was it not open to Government at least to express its views that they were not in a position to accept or reject the first demand, namely, that the Ahmadis should be declared a minority community, and that it was for the Constituent Assembly to deal with this matter?

A. Some declaration of that kind could have been issued without causing prejudice to either side because it would merely be a statement of fact.



Q. Did it come to your notice that during the relevant period, namely, from June 1952 to the end of February 1953, our then Honourable Prime Minister was in Karachi negotiating with the Ulama and at no stage did he express his views as to whether the Central Government agreed or disagreed with the demands or that it was not in a position to pronounce a decision? Did this state of affairs in any manner affect the situation of law and order or the policy of the Provincial Government in the Punjab?

A. It is quite clear that the agitators would consider themselves in a comparatively strong position as long as they are negotiating with the Prime Minister of Pakistan and they would not be amenable to any advice on any subject from any Provincial quarters. ✓

Q. Can you recall whether at the conference held in the Government House on the 5th evening, — at which you have said that you are not certain whether H.E. the Governor was present or not, — H.E. the Governor was present on the premises of the Government House at that time?

A. I stated yesterday that I did not recall that the Governor was present in that meeting. Afterwards, Chaudhri Nazir Ahmad Khan asked me whether I knew about the draft having been prepared in the afternoon of the 5th and I answered by saying

that I learnt from H.E. the Governor that some draft had been prepared. I now recollect that this information came to me at that very meeting on the evening of the 5th, which means that the Governor must have been present at the meeting in which orders were given that provocative action should not be taken if possible.

Q. Did the Governor suggest that there should be a "let-up" in the firing?

A. I have only drawn an inference that His Excellency the Governor must have been present at that meeting, but I do not know what part, if any, he took in the discussion on the subject of avoiding provocative action.

To Court:-

Q. Did you yesterday say that Mr. Anwar Ali suggested a "let-up" in firing?

A. I said that Mr. Anwar Ali had used the word "let-up", but I cannot say for certain that the initial proposal on the subject of avoiding provocative action came from him. It might have come from any of the persons present in the meeting.

Q. Was there anybody who was against the "let-up"?

A. No.

Q. Is it correct that while the Ministers and the Governor were in favour of a "let-up" in the firing, the Secretaries and



other officers were against it?

A. At that meeting there was no disagreement regarding the tactics to be employed.

To counsel:-

Q. Can you recall that at the conference held on the evening of 5th March, the D.I.G., Lahore Range, reported that after 2-30 p.m. there had been no incident, and that the I.I.G. proposed that in view of the following day being a Friday, it was not necessary unnecessarily to provoke the mobs?

A. I think I have already answered the various parts of the question. I am not sure whether the D.I.G. was present at the meeting, but I remember that there was information available that there had been no incidents in the afternoon. I do not remember who initiated the proposal that provocative action should be avoided.

Q. Can you recall if the H.E., either at this conference or at the conference held on the morning of 5th March, proposed that no severe action should be taken for technical breaches of the prohibition under section 144?

A. In the morning meeting there was the legal question discussed whether firing could be resorted to without undertaking the necessary safeguards by way of ascertaining whether a smaller amount of force would break up the unlawful



assembly. In that connection the meeting might have also discussed this question whether technical offences should be made a basis for severe action, but I cannot recollect for certain.

Q. May I understand that no decision was taken at the conference held in the morning or the evening of 5th March to the effect that the police was to take no action under any circumstances, except in self-defence?

A. No such decision was taken.

Q. May I understand that the decisions taken on the morning of 5th March remained unaltered?

A. They were unaltered except to the extent that provocative action was to be avoided if possible with reference to the next day which was a Friday.

Q. Did you attend the conference held at the Chief Minister's house on the evening of 27th February when the Hon'ble Minister for Revenue, the I.G. Police and the Home Secretary returned from Karachi?

A. No, I did not.

Q. Were any decisions taken at that conference conveyed to you? If so, by whom?

A. The decisions definitely came to me in the form of

a copy of the proceedings, but I cannot say whether in addition the I.G. or the Home Secretary or both talked to me about them also or not.

Q. Will you kindly see if these decisions are in this file (File "Ahrar Direct Action noting or minutes of meetings etc. No:II" referred to and exhibited D.E.306) ?

A. This file came to me on the 28th February and I passed it on to H.C.M. The other file on the subject is No:16(19)I, Volume I (marked Ex.D.E.305) and starts with a copy of the minutes of the meeting of 27th February 1953.

Q. Was the draft of the letter dated 28th February 1953 signed by you, put up before the Chief Minister for his approval?

A. I cannot say whether it was shown to him before issue or not. The likelihood is that it was not shown because it issued immediately after the minutes were brought to my notice.

Q. Will you kindly see that in the decisions taken on the evening of 27th February it is nowhere recorded that only specified persons should be arrested and no further arrests should be made?

A. One of the decisions in the minutes is that a certain number of named Ahlra workers etc. were to be arrested immediately. There is no mention there that no other person was to be arrested, but such a decision would be considered to be inherent in the main decision.

Q. Kindly see decision No:1 "All active Ahlra workers and other individuals who have been responsible for espousing 'Direct Action' movement, vide list attached, should be arrested tonight throughout the Province", and say if it is not within your knowledge as to whether the officers who were present with the Chief Minister at that conference suggested that only these persons should be arrested?

A. I can assume on the basis of our normal procedure that this list must have been given by the C.I.D. The Hon'ble Chief Minister accepts all proposals of this kind by the C.I.D. He leaves the selection of the active workers to the C.I.D.

Q. Can you remember that as soon as the Punjab Government put the ban under section 144 on the Ahlra/Ahmadi meetings in June 1952, the agitation was driven inside the mosques?



A. That is so.

Q. You will also remember that when persons were arrested for having delivered speeches connected with the agitation inside the mosques, it was resented all over the Province as a very grave interference with the religious feelings of the Muslims in the country?

A. I think what the public seemed to resent was that the ban even covered speeches inside the mosques. In my opinion this resentment was irrational.

Q. Will you recall that on account of this, public opinion was very much agitated and on 19th July 1952 the police had to resort to firing on a violent mob in Multan?

A. I was not Chief Secretary at Lahore on 19th July. I was on leave at Karachi. I read about the Multan incident in the newspaper.

Q. You have referred to an alleged compromise between the Ahrar and the Government. Can you tell us what the terms of that compromise were?

A. I do not know the terms because the so-called compromise took place in my absence.

To Court:-

Q. Would you, keeping in view the past conduct of the Ahrar, have recommended a compromise?

A. I think as an administrator I would be willing to give the Ahrar a chance even on that date.

To counsel contd:-

Q. Can you recall that the alleged compromise comprised of an undertaking by the Ahrar to publicly denounce lawlessness and to preach that it was their religious duty to safeguard the life, honour and property of all minorities including Ahmadis as enjoined upon them by Islam, in consideration whereof the Punjab Government would release two of the Ahrar leaders who had been convicted for committing a breach of the order under section 144 and withdraw the ban

under section 144 ?

A. I heard so on my return to duty.

To Court:-

Q. Was any record of the compromise formula put on official records?

A. I was told by the D.P.R. that some record was prepared. I did ask him about it when I came back. I have, however, not seen any such record.

To counsel (continued):-

Q. Do you agree with me that in the circumstances it was expedient for the Punjab Government to have accepted the undertaking by the Ahrar and to lift the ban which it was becoming difficult to enforce inside the mosques without agitating public opinion against the Government on the basis of religious freedom?

A. I have already said that I would have been willing to give another chance to the Ahrar. The terms of the said compromise seemed reasonable.

Q. Did it come to your notice or was any complaint made to you as the head of the Department that the Director of Public Relations, Mr. Ibrahim Ali Chishti or any



member of the staff of the Directorate of Public Relations or the Department of Islamiat were taking any part in the anti-ahmadiyya agitation, e.g., contributing articles in newspapers on this subject?

A. No such thing came to my notice till after the Martial Law was promulgated in Lahore. The only exception would be the incident about a mischievous advertisement in an Urdu newspaper which I referred to in my statement yesterday.

Q. What do you mean by the words "till after the Martial Law"?

A. After the proclamation of Martial Law, the Central Government started making inquiries on this subject. It was thus that the complaint came to my notice.

Q. May I take it that as a result of the inquiries made up to the time that you were the Chief Secretary, no evidence was found to substantiate this complaint?

A. I did not make any inquiries on the point whether the complaint was justified or not beyond obtaining an explanation of Mir Nur Ahmad as directed by the Ministry of the Interior. My recollection is that he reported that his Department had not contributed anything to a newspaper which might be considered to be in the nature of support for the anti-Ahmadiyya agitation.

Q. Were you present when the decision to make payments to certain vernacular newspapers in the form of purchase of copies was taken?

A. I was present at a meeting when Khwaja Shahab-ud-Din suggested the purchase of copies of selected newspapers. I do not remember having been present at any meeting at which the Chief Minister discussed the matter with the D.P.R.

Q. When the subscriptions of these newspapers were renewed in July 1952, did the D.P.R. put up the papers for your approval or for the approval of the Chief Minister?

A. I have no definite recollection of anything like that

happening in June or July.

To Court:-

Q. Were you present when the decision to make payments to the press were taken?

A. No, but the decisions taken by the Chief Minister in consultation with the D.P.R. were subsequently communicated to me in the form of a note which I forwarded for approval to the Finance Department.

To counsel contd:-

Q. You were the Administrative Secretary of the Department of Public Relations and the Department of Islamiyat. Was it for the purpose of fanning the anti-Ahmadiyya agitation that copies of these newspapers were purchased?

A. The need for purchasing these newspapers arose on account of the desire of the Government to give assistance to such newspapers as were appreciative of Government efforts. The purchases had nothing to do with any agitation either against or in favour of the Ahmadis.

Q. Did you from any policy, action, inaction, inclination or any desire on his part ever infer that



the Chief Minister or the Ministry as a whole were in support of or in sympathy with this agitation or the demands sponsored by this agitation?

A. No. That is the reason why the appeal of the 6th March came to me as a rude shock, because I had all along thought that the Chief Minister's ideology was on the right lines.

Q. On 5th July you presided over a meeting of all District Officers including the Home Secretary and the D.I.G., C.I.D. at which a decision was taken that the District Magistrates should report to the Government if any person was found guilty of any action connected with this agitation for his prosecution. Can you tell us if, with the exception of the Sialkot case, any District Magistrate from all over the Punjab recommended action against any one connection with this agitation which was not approved by the Government?

A. I cannot recall any recommendation for lodging

a prosecution against any person for any fiery anti-Ahmadiyya speech. I did not even know of the Bialkot case till it was shown to me in Court today. That case, incidentally was examined in the C.I.D. and was disposed of without any specific orders from the Secretariat.

Q. Your attention was drawn by the counsel for the Punjab Government to your note of 5th July. Will you tell us what decisions the Chief Minister took on your note?

A. The decisions given by the Chief Minister are to be found at pages 52 to 54 of the file Ex.D.E.307.

Q. Did not the decisions taken by the Chief Minister on this note continue to be the policy of the Punjab Government till the 27th of February 1953?

A. Yes.

To Court:-

Q. Was this policy publicised?

A. I cannot say whether any publicity was undertaken by the Punjab Government in order to make clear

that it would strictly keep itself aloof from all religious and political controversies.

Q. We have been told that the Ministry of Interior, Government of Pakistan, pointed out some objectionable articles relating to the anti-Ahmadiyya agitation which had been published in the newspapers of the Punjab, for suitable action. Do you recall any such communication having been received by you and if so, what action was taken?

A. I cannot say with any degree of certainty that a particular publication was brought to notice by the Central Government. It is, however, possible, that they did point out an individual publication or may be a couple of publications but I do not remember that the examination of any such case led to any punitive action being taken against the publisher. The publication was either found unactionable or it involved such a minor infringement of the law that the publisher might have been merely warned to be more careful in future.



Q. Do you by "punitive action," mean action under the Public Safety Act?

A. I mean the Press Emergency Powers Act. My Chief Minister was disinclined to take action under the Punjab Public Safety Act.

To Counsel.

Q. Is it correct that the Chief Minister was generally against the application of the Public Safety Act in regard to citizens as well as newspapers?

A. This statement of mine relates to all newspapers without any reference to the anti-Ahmadiyya agitation. Regarding the provisions relating to the detention or restriction of individuals also, the then Chief Minister took action only where it was absolutely necessary to do so.

Q. Did the note, dated the 14th of November 1951, by the then Inspector-General of Police in file Ex.D.E./307 come to your notice, in which he says: "If he is prohibited from attending or addressing public meetings, he and his party would be provided with a platform to come to life again. If he is arrested, his party, though dying, will gain vigour again."?

A. This note came to my notice. In fact I forwarded it to the Honourable Chief Minister with a note suggesting that he might

decide the point, perhaps after hearing the I.G. and the D.I.G., C.I.D. in my presence.

Q. Did you agree with this note?

A. I proposed a meeting and my intention was that if the meeting did take place I would make clear that the Ahrrer were the aggressors and Government should take action against them accordingly. This was the point which I wanted to raise.

To Court:-

Q. Did your note go up to the Chief Minister?

A. The file shows that the case did go to the Chief Minister.

Q. What did the Chief Minister note on it?

A. He seemed to have received one other file at the same time and then he decided that he would talk with the leaders of the Ahrrer himself and that no action need be taken till then.

Q. Was it in consequence of the decisions taken at this meeting that the letter of 24th December 1951 was issued?

A. Yes. That is correct. The draft of this letter was actually approved by the Chief Minister.

To counsel (continued):-

Q. Were the decisions at this conference taken by the Chief Minister in consultation with the officials present there?

A. The Chief Minister's decision was to take no action which might indicate that Government had decided to be in favour



of one party against the other.

Q. You have said that you instructed Mir Nur Ahmad to ask Mr.

Chishti to leave Lahore on the 6th March. I put it to you that

it was on the 4th March that you instructed him to send

Mr. Chishti away to Karachi. Will you rule out this possibility?

A. I was given these instructions in the Governor's room one

particular morning. My recollection otherwise is that the

Ministers were in that room on the 5th or 6th morning. If it

be that the Ministers were at the Government House on the 4th

also, then the possibility of the instructions to Mir Nur

Ahmad having been given cannot be ruled out.

Q. During the disturbances, say, from the 27th of February up to

the 6th of March, did you notice that the Chief Minister was

throughout anxious that firm action should be taken to deal

with the situation of law and order?

A. Definitely so. He even had several Muslim League M.L.As.

arrested for participating in the agitation.

Q. Did it also come to your notice at the conference in the

Government House on the morning of 5th March that the Chief

Minister was of the same view and he wanted that more troops

should be employed to deal with the situation?

A. Yes, that was his attitude.

Q. Did it come to your notice that the army on 2nd, 3rd, 4th, 5th



and up to the midday of 6th March were patrolling in the Civil Lines area or outside the walled area of Lahore and that they contacted at various places riotous mobs, but they did not open fire at any stage or on any occasion?

A. I know it for a fact that the army patrols were moving about in Lahore outside the walled area. I also know it for a fact that they did not open fire at any place. I cannot, however, say whether there was any occasion when they should have opened fire. I did hear a report from the army at one time that the mobs would disperse on the approach of the army and re-assemble after the army patrols had left the vicinity.

To Court:-

Q. Did the military patrols go alone, i.e. without being accompanied by the police or magistrates, after the decisions of the 5th morning?

A. I would not be certain that any patrol went out after those decisions. What I have said in an answer to the previous question relates mainly to a few days before the 5th March.

To Counsel (continued):-

Q. Can you tell us as to whether the decisions of the 5th morning

not make them amenable to penal action. The membership was honorary and one could at the most decide to finish their connection with the Board of Islamiat if their presence on the Board was no longer useful. Nothing further could be done. Even when we had initially put them on the Board we knew that each one of them had a kink. The idea of constituting the Board with a membership of many Maulvis was that the best effort should be made for the religious welfare of the Muslims in spite of the kink of those Maulvis.

To Mr. Fazal Ilahi, Advocate, (with permission):-

Q. Was there anyone among the high officers who was not in favour of firm action against the agitators?

A. No.

To Maulana Murtaza Ahmad Khan Maikash (with permission):-

Q. Do you think that citizens of our State have absolute religious freedom?

A. Yes.

Q. Is belief in the finality of prophethood a part of religious belief?

A. Yes.

Q. Is an exposition of this doctrine the right of every citizen or not?

A. Yes, provided it does not bring about hatred between various sects.

Q. Was not the ban under section 144, when it was sought to be applied to mosques, an interference with religious freedom?

A. The ban was not intended against mosques. The ban became necessary because the speakers on



the platform of Tahaffuz-i-Khatm-i-Nubuwwat, were transgressing the law. The ban when imposed automatically applied to mosques also. The citizens of a civilized country should be able to accept certain limitations on their civic rights when a situation of this kind occurs due to the mischief of a certain number of leaders.

Q. Was the ban applicable to a mere expression of religious views?

A. The ban would become applicable to such a case if it was a meeting convened by the Ahrar or the Ahmadis, but such an application would be merely of a technical character unless the speaker tried to bring about hatred between sects.

Q. Was it made clear in the order under section 144 that the ban was applicable only where the speaker attempted to create hatred?

A. The ban was against the holding of meetings.

R.O.&A.C.

Sd/- M. Munir  
President.

6th January 1954.

Sd/- M.R. Kayani  
Member.

Proceedings adjourned to tomorrow.

Sd/- M. Munir  
President.

6th January 1954.

Sd/- M.R. Kayani  
Member.